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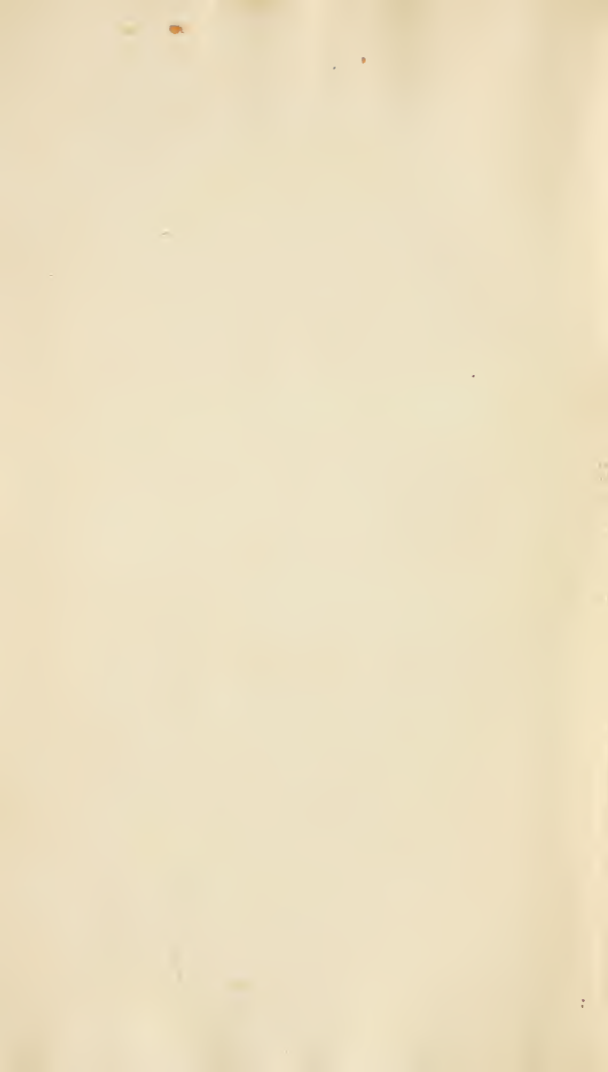
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JONAS A JUDGE;

OR,

LAW AMONG THE BOYS.

BY THE

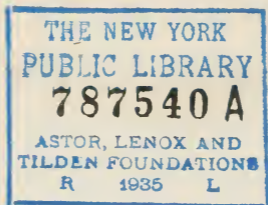
AUTHOR OF THE ROLLO BOOKS,
JONAS'S STORIES, &c. &c.

BOSTON:

WILLIAM D. TICKNOR & CO.

1845.

VH



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P R E F A C E .

IN settling the questions and disputes which arise between Rollo and his companions, Jonas lays down general principles, which are equally applicable to cases occurring among other boys ; and thus it is hoped that this little book may be the means of ending or preventing contention among many little circles of brothers and cousins.



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JONAS A JUDGE.

CHAPTER I.

THE LAWYER'S OFFICE.

THE way that Jonas came to know any thing about law, was this. Rollo's uncle George was a lawyer, and had an office not very far from where Rollo lived; and one winter Jonas spent a great deal of time in that office, where he read many law-books, and heard conversation between the lawyer and his clients. Besides that, he went several times to court, and heard trials.

Jonas went to the lawyer's office instead of going to school. Mr. Holiday, Rollo's father, with whom he lived, wished to give him some opportunities of acquiring knowledge and cultivating his mind, and he was talking with his brother George, the lawyer, about it, as they were sitting together before the fire, one even-

ing in November. Rollo was, at the same time, sitting upon his cricket reading a new book by the fire-light.

"I think it would be a good plan to send him to school this winter," said the lawyer. "He is a good, faithful boy, and fond of study. He'll make a good scholar."

"Yes," said Mr. Holiday; "but I hardly know where to send him; there is no good school near here, at least none suitable for him."

"Let him study at home then. He does not need much instruction."

"True, he might study at home; only he will be interrupted a good deal here; and then, besides, I have not got any good place for him to put his desk in, in cold weather."

"Very well; let him come and study in my office," said the lawyer.

"In your office?" said Mr. Holiday.

"Yes, that's a capital place for him. And, besides, I should like to have him there, myself, very much."

After some further talk, it was agreed that that arrangement should be made. The lawyer said it would be a great convenience to him to have a boy in his office, to bring in his wood, and keep the fire going.

The lawyer had a desk in one corner of the office, which he said he did not use, and that Jonas might have that to keep his books in, and to write upon. Jonas was very much pleased with the plan, when they came to propose it to him. He knew that knowledge would be of great value to him in his future life, whatever his business might be. Besides that, he took a pleasure in acquiring knowledge on its own account, independently of any advantage which he expected to derive from it. It was pleasant to him to find out what he did not know before, just as it is pleasant for a traveller to see new countries. So Jonas was very frequently engaged in study, in the winter evenings, when his work was done; and he was very glad of the opportunity now offered to him of devoting several hours every day to study, during the whole winter.

Jonas did not need a teacher much. There are two reasons why most boys need an instructor, in order to enable them to make any considerable progress in study. One is, that they will not study diligently unless there is somebody to watch them. They get idle and inattentive, and waste their time in play. Hence it becomes necessary to put them into

schools, where the master can see them, and enforce a proper attention to study. But Jonas did not need any supervision of this kind. He felt such an interest in making progress in knowledge, that when he had any time for study, he was always very desirous of improving it; and Mr. Holiday knew very well that, even if he was entirely alone in the lawyer's office, for hours at a time, he would be as still and studious as if there was a schoolmaster and two assistants in the room, looking directly at him.

The other reason why most boys need a teacher is, to help them over the difficulties they are frequently meeting with, and to explain the directions which the books they study contain. But the way that boys generally get into these difficulties is, by carelessness and inattention; and especially by not having studied thoroughly what has come before. But Jonas was in the habit of going forward with great deliberation and care. When he began a book, he studied every successive paragraph or section in the most faithful and thorough manner; and so he met with very few difficulties. And he had thus learned the art of following printed directions of a book,

so that he could get along with comparatively little assistance from any other person.

On the Saturday afternoon before the Monday when Jonas was going to commence his study, he went over to the lawyer's office to look at the place. It was a small but neat-looking building, by the side of the road. It was in a sort of village, — at least there were one or two stores and some pleasant-looking houses near. By the side of the office there was a shed, where the lawyer's clients could tie their horses, when they came to attend to their business there. The lawyer took Jonas into the office, and showed him the desk which he was going to let him have, and the corner of the fire where he might sit. The lawyer himself had a desk upon the other side of the fire, — quite a large and handsome one. Besides this, there was a table in the middle of the room, with books and papers upon it; and there were several book-cases around the room, full of books. These books had a strange, tawny appearance, looking, as Jonas afterwards told Rollo, as if the leather that they were bound in, had all been put on wrong side out.

The lawyer then took Jonas out, through a

door in the farther corner of the office, into a little back room, where there was a great pile of bark, and a table with hammer and nails upon it, and one or two great coats and cloaks hanging against the wall. Beyond this a door led into a shed partly filled with wood-piles, some sawed and split, and some in large logs. There was a saw-horse there, and a saw and an axe;—and the lawyer told Jonas that, when he got tired of studying, he might come out and saw wood.

“If you saw enough to keep our fire a going, this winter,” said he, “I shall not charge you any rent.”

“Well, sir, I’ll try,” said Jonas.

Jonas went in to examine his desk. It stood back in a corner, and was somewhat old and inky. There were several old books and papers in it, and bits of pens. There was also a large wedgewood inkstand, with the top and all the passages filled up and disfigured with incrustations of dried ink. The lawyer told Jonas that he might use that inkstand if he chose; and he told him he would find some ink in the cuddy, in a bottle.

As he said this, he pointed to a little door in the chimney, by the side of the fire, which

Jonas opened. He found a little sort of closet, or cuddy, in the brick-work of the chimney, where the ink-bottle was put, to keep it warm. There were several inky-looking bottles and blacking-pots there, and Jonas took up two or three, and shook them, before he found which was the right one. He did not, however, begin to fill his inkstand, telling the lawyer that he wanted to wash it out first.

“Poh!” said the lawyer; “you can’t get that ink off by washing it. It’ll stick like a mortgage.”

Jonas said he thought he could get some of it off, and that, at any rate, he should like to try; and the lawyer said he might, though he told him that, after he had been in a lawyer’s office two or three months, he would not be quite so nice.

Jonas thought to himself that, perhaps, the effect would be, that the office itself would be a little nicer. He, however, said nothing, but went to the desk, and began to take out the books and papers.

The lawyer told him where he might put the books, and pretty soon he had his desk cleared. The papers, which the lawyer said were good for nothing, he looked over and

sorted, laying aside all which were good to write upon. The rest he put in a basket out in the back room, where waste papers were kept to kindle fires, and light the candles with.

When Jonas had done all that he could do there, he went home, carrying his inkstand with him. When he got home, he put the inkstand into an old earthen vessel, which he found in the back kitchen, and poured some hot water upon it, out of the tea-kettle. He then put it away to soak till Monday morning. On Monday morning, he poured the water off, which had become very inky, and then put the inkstand itself under the pump, and pumped upon it a long time. At last he stopped pumping, and took his inkstand up. It was as bright and clean as if it had just come out of the bookstore.

Jonas fitted out his desk with every necessary convenience. He made himself a new ruler and plummet, for he wished to leave his desk, in his little chamber at home, as well stocked as it always had been; he expected to have occasion to write or study there sometimes, as well as at his new post in the lawyer's office. The arrangement was, that he should rise early in the morning, and do all his morn

ing's work at home, before breakfast, and then go to the office. Here he was to remain at his desk until twelve, and then he was to come home for the rest of the day. In the afternoon, he worked at home, preparing wood for the fires, taking care of the cattle, and doing other work about the house and barn.

The whole plan succeeded very well indeed. Jonas got along very successfully with his studies. He frequently met with difficulties, it is true, but they were seldom such as absolutely to prevent his going on; and when they were, he could always take some other study until he had an opportunity to ask Mr. Holiday's assistance. Mr. Holiday used very often to come out into the kitchen in the evening, and ask Jonas how he got along with his studies, and whether he had met with any difficulties. This gave Jonas a very good opportunity to ask his questions; and he was always very careful to have them ready, so as to detain Mr. Holiday as little as possible.

But, besides making progress himself in his studies, Jonas made himself very useful to the lawyer, in various ways. He took care of the fire, and was always careful to have a good supply of wood ready. He used to take a

recess of twenty minutes every day ; and this time he spent in the shed, splitting, sawing, and piling wood, or carrying it in, so as to heap the wood-box full, near the fire. Jonas also undertook the very difficult and delicate task of putting the lawyer's premises in better order than the owner had been accustomed to keep them in. It is a very delicate business indeed to attempt to put another person's things in order. For there is great danger of doing something to displease the owner, by interfering with his arrangements, or mislaying some of his books or papers. Jonas was very cautious about this. He began in the back room, and first piled up the bark more neatly, and swept the floor around it. He also arranged the wood in the shed in better order, so as to make more room ; and he drove up a nail for the saw, and fixed upon a place for the saw-horse and the axe, and always kept them there. He did not, however, venture to touch any thing which he was not sure fell completely within his province. He wanted very much to take hold of the ink-cuddy ; but he did not think best to do it without direction. However, in a few days, the direction came ; for the lawyer one day went there to

get some ink ; and as he was pouring it out, he told Jonas he was tired of such a confusion of ink-bottles and blacking-pots, and he wished that he would clear them all away.

This gave Jonas exactly the authority that he wanted. He put the cuddy in complete order that very day. He washed out all the old bottles, and put them upon a shelf by themselves in the back room, and left in the cuddy only such things as were in daily use.

By proceeding cautiously in this way, and never doing any thing which he was not sure it was perfectly right for him to do, he gradually effected a great change in the appearance of the lawyer's office. He kept the floor neat and tidy, and the books in order upon the shelves. In the morning, he would put up the books which had been taken down the day before, being always careful to put them back exactly where they were taken from,—even when he thought they would go in better in some other place. By these and other similar means, he made the office a great deal more comfortable and pleasant, and yet without interfering, in the least, with the lawyer's ideas and plans ; so that the lawyer found it

very advantageous and pleasant to have him there.

Besides this, in the course of the winter, Jonas began to write for the lawyer. He wrote a very plain and distinct hand before; but he used to practise about half an hour every day, in order to acquire ease and rapidity in his style of writing. One day the lawyer came and looked over him when he was writing, and said,

“Well, Jonas, you’re a pretty good writer. You have practised enough; you can write now better than I can.”

“I can’t write as *fast* as you can, sir,” said Jonas.

“Why, no, not quite so fast, though I think it likely you can read it faster when it is done. Do you like to write?”

“Pretty well, sir,” said Jonas, “only I get tired of writing the same copy over and over again. If you had any papers or letters to be copied at any time, I should like to copy them for you very much.”

“Well, Jonas, that’s a very good idea. I’ll let you try in a day or two. I think it likely you’d make a very good clerk.”

The lawyer gave Jonas a letter a few days after this, to be copied into a great book. Jonas did it so carefully and so well, that the lawyer was very much pleased; and after that he gave him plenty of copying, so that he did not have to write old proverbs over and over again in his writing-book any more. Jonas was very much pleased with this plan, on two accounts. First, he was gratified to find the knowledge of writing, or rather the skill in writing, which he had been patiently acquiring for some years, was now coming into use; and then, secondly, he was much pleased to be of some service to the lawyer, who was kind enough to let him study in his office.

The lawyer, finding that Jonas was a very careful and studious boy, told him that he might read *his* books, if he wished to read at any time. They were not all law-books; some were very suitable for giving Jonas information on various subjects. The lawyer told him that some of the law-books would be useful to him. "For," said he, "every man has occasion to know a little about law; and when my clients are in here talking with me, I advise you to listen, and hear what we say; you'll learn a good deal about business and

human nature. And when we use any law terms that you don't understand, you must look them out in that great law dictionary."

Here the lawyer pointed to a large book, which lay upon the table; and Jonas found, on looking at it, that it was a law dictionary. He often looked out words in it after this; and he used to take a good deal of pleasure in reading in it, after he had got his lessons. Once the lawyer took Jonas to court. It was at a time when he had a good many cases, and he wanted a boy to wait upon him, — to bring him books and papers, and to go of errands. Thus, in one way and another, Jonas learned a good deal about law that winter, and he afterwards turned his knowledge to good practical account, in settling disputes among the boys; — as will be seen in the following chapters of this volume.

CHAPTER II.

THE WHIP QUESTION.

IT was one afternoon in the month of June, in the next summer after Jonas had studied in the lawyer's office, that he was at work in Mr. Holiday's garden, training up some trees against a wall, when he heard a dispute among the boys in the yard. He was just that minute driving a nail; but he stopped hammering, to listen.

He heard the voice of a boy, saying, very earnestly,

"Give it to me, Nathan, I say."

"No," replied Nathan, equally earnestly;
"I say you must not have it."

Jonas stepped up upon a ladder which was standing near him, until he was high enough to look over the garden fence, and see what was going on. The boys were standing in the yard. There were three — Rollo, Nathan, and Henry. Henry was trying to take a whip away from Nathan; but little Nathan held it

down between his knees, and leaned forward over it, saying, at the same time, very emphatically, "I tell you, you must not have it, Henry."

Henry tried to take it away from Nathan, though he only tried very gently. He might very easily have taken it away, if he had used much force; for Henry was quite a large boy, while Nathan was very small.

After waiting a minute or two, Jonas called aloud, "Boys!"

The boys looked up. Henry let go of the whip, and Nathan stood erect again, and looked towards Jonas.

"Come here," said Jonas, when he saw that they were looking at him.

Nathan instantly started, and began to run towards the garden gate, flourishing the whip by the way. Henry and Rollo followed, though they advanced with much less apparent alacrity than Nathan's movements exhibited. This led Jonas to suppose that Nathan had the best of the argument. "However," said he to himself, as the boys came up towards him, "I must not prejudge the case. I must first hear the testimony."

So he asked them, as they came up, what was the matter.

"Why, Nathan won't give me my whip," said Henry.

"O, it isn't his whip," said Nathan. "It's mine."

"It isn't," said Henry. "It is *my* whip. Rollo gave it to me."

"Let me see the whip," said Jonas. "It's a pretty good whip," he continued, taking it into his hands and cracking it. He examined it attentively. The handle was the stem of an elder-bush, with the bark on, though it was of last year's growth, and so was dry and light. Rollo had cut it, out in the meadow. The lash was made of twine, braided. There was no swell in the lash, as is usual in regularly-manufactured whips, but it was of even thickness, throughout its whole length; and it appeared to have been made by braiding together three strands of twine.

"I am sorry you've got into a dispute about it," said he. "I rather think that the elector of Saxony never saw this whip."

"The elector of Saxony?" repeated Henry and Rollo, not knowing what Jonas meant.

"Yes," replied Jonas, "the elector of Sax-

ony. He said that he did not know of any thing in this world worth quarrelling about ; I presume he never could have seen this whip."

As he said this, Jonas held up the whip so as to display it fully to view, maintaining all the time a look of the utmost gravity. Nathan looked on with an expression of curious interest on his countenance, while Henry seemed somewhat confused and ashamed at having quarrelled about such an insignificant plaything. As for Rollo, he fully understood Jonas's joke ; and he burst into a loud fit of laughter.

"But never mind," said Jonas again, after a short pause ; "we'll try the case. You may tell me all about it, and then I'll decide the question according to law."

"*You* don't know any thing about law," said Henry.

"O yes," replied Jonas, "I am quite a good lawyer,—and will hang the whip up here until the case is decided."

So saying, Jonas hung the whip up upon the ladder, so that it should be out of the way of either of the claimants. The boys all began to talk together, each telling his own story ; but Jonas stopped them.

“Only one must talk at a time,” said he; “and then, besides, I must keep at my work while I am hearing the case. And in fact you can help me.”

“How?” said Rollo.

“Why, you can hand me up the nails while I nail the branches of this tree to the wall, and Henry can be cutting some more strips of leather.”

Jonas had a little box, which he called his training-box. It was a kind of a tool-box, with a handle in the middle to carry it about by; and it had in it all the tools and materials which he wished to use in training. There were a small hammer, and nails of different sizes, and some pieces of leather, and shears to cut them into strips, and a ball of twine. He always carried this box with him when he went out into the garden to prune trees, or to train vines; and by means of it he had his implements and materials always at hand.

So Jonas set Henry at work to cut some pieces of leather into strips, while Rollo handed him up the nails as fast as he wanted to drive them. As for Nathan, he was set to work to pick up the cuttings from the trees and vines, and put them in a basket. There

were not a great many of these, for it was only the branches which were beginning to grow too thick or too long, which were to be cut off at this season of the year.

While they were all at work in this way, the conversation went on as follows : —

“Only one must speak at a time,” said Jonas. “And first I will hear Henry, as he is the claimant.”

“The claimant?” said Rollo.

“Yes,” said Jonas; “he claims the whip, and demands that Nathan should give it up to him; so that we will first hear what he has to say.”

“Well,” said Henry, “I came here a little while ago to play, and Rollo told me to look and see what a beautiful whip he had been making. Nathan had it, snapping it. ‘Did you make it?’ said I. ‘Yes,’ said he, ‘I cut the handle, and braided the lash, and fastened them together.’ Then I asked him to give it to me; and at first he did not answer, but pretty soon he said that I might have it; and then I went to take it, but Nathan would not give it me.”

“Because it was mine,” said Nathan. “Rollo gave ——”

"Stop," interrupted Jonas. "I shall give you your turn to speak presently. Is that all you have to say, Henry?"

"Yes," said Henry, "that is all, I believe."

"Come, hand me some more nails," said Jonas; "we must keep at our work, while we try the case."

For the boys had all become so much interested in the case, that they had stopped working, and were standing still, listening to what Jonas had to say.

"Now, Rollo," continued Jonas, "let us hear your story."

"Well," said Rollo, "I made that whip. I cut the stick, down in the meadow, with my jackknife, and braided the lash; and then I fastened the lash on with some twine that Dorothy gave me. She found it ——"

"Never mind that," said Jonas; "all that is nothing to the purpose."

"Nothing to the purpose?" repeated Rollo.

"No," said Jonas. "The place where Dorothy found the twine, has nothing to do with the question, whether the whip now belongs to Henry or Nathan."

"No," said Henry.

"Well, then," said Rollo, "the whip was mine, and I let Nathan have it, to play with a little while; and finally Henry came, and wanted me to give it to him, and I did; and Nathan ought to have let him have it."

During all this time, Nathan had left off gathering up his cuttings, and stood looking on, with a mingled expression of anxiety and interest upon his countenance, turning his eye from Jonas to Rollo, while they were successively speaking, as if he were awaiting his fate. At length Jonas asked him what he had to say.

"Why, Rollo gave it to me first," said Nathan.

"O no," said Rollo; "I only let you have it to play with and snap."

"Yes, but you *gave* it to me. I asked you if I might have it."

"But I did not say yes."

"You nodded your head down so," said Nathan, imitating a nod.

"That's nothing," said Rollo.

Jonas smiled, and said he believed he understood the case, and, if the boys had not any more to say, he would consider the subject a minute or two, and then give his decision.

So the boys went on working a while in silence ; and then Jonas began to pronounce the decision as follows : —

“ The point is, boys, whether Rollo’s assenting by a nod to Nathan’s request to give him the whip, was a good conveyance.”

“ A what ? ” said Rollo.

“ A good conveyance ; that is, whether it conveyed the property in the whip to Nathan, or not. If it did, then, you see, the whip became Nathan’s from that minute ; and afterwards, when Henry came and asked Rollo to give it to him, it would be no longer Rollo’s to give ; and the whip is Nathan’s now. But if, on the other hand, it was *not* a good conveyance, then it was still Rollo’s, and he had afterwards a right to give it to Henry.”

“ Yes,” said Henry, “ so I think.”

“ Now, Rollo maintains,” said Jonas, “ that he did not really give the whip to Nathan, because he did not *say* he gave it to him in words. But I think he is in a mistake to suppose that any particular words are necessary to convey such property : any way by which the intention of the mind is manifested, is enough. If it was your intention at that

time to give him the whip, and if you expressed that intention by nodding the head, that is enough. Sometimes a thing may be given without even so much of a sign as nodding the head."

"How?" said Rollo.

"Why, for instance, suppose Henry here were to ask me to give him one of my strips of leather to make a thong to fasten a whip-lash to its handle with. Now, if I were to cut him off a good strip for that purpose, and hand it to him without saying a word, that would be a good conveyance; the strip would be his, and I couldn't rightfully take it back again."

"Couldn't you?" said Rollo.

"No," said Jonas.

"Well, Jonas," said Henry, "I wish you would give me one."

"And me one too," said Rollo.

"Very well," said Jonas. So he took a good piece of leather, and cut out two thongs, and gave one to each of the boys.

"There," said he, "by my delivering them so to you, with the understanding between us that I mean to give them to you, the property passes from me to you. Just before I de-

livered them, they were mine ; and after I handed them to you, they were yours ; and I have no more any right or power over them. That makes a good conveyance — a delivery with an intention to convey the property, no matter how the intention is expressed.”

“ Ah, but, Jonas,” said Rollo, “ I did not deliver the whip to Nathan.”

“ Didn’t you ? ”

“ No, he took it himself.”

“ O, well, that is the same thing, provided he took it with your consent. He asked for the whip, and you nodded your head. He took it ; you saw him, and acquiesced. That made it a good conveyance. You understood it so at the time, and he understood it so ; and you cannot take it back, because you afterwards altered your mind.”

Nathan listened with an appearance of the utmost attention ; but he could not understand much of this learned discussion. When, however, at the close of the conversation, Jonas took down the whip, and handed it to him, he understood that the decision had been made in his favor ; his eye brightened up, and he ran away, capering about the walks, and

cracking his whip with every appearance of relief and pleasure.

A party who has got "cast" in his lawsuit, is not generally expected to look very good humored. At any rate, Rollo and Henry did not on this occasion. Rollo looked somewhat foolish; and Henry, who had lost a case and a whip too, had his face soured with a very decided expression of disappointment and mortification. And there was something so ludicrous in his looks, that Jonas could hardly refrain from laughing outright at him.

He did not do so, however, for he did not wish to wound his feelings any more; and in a moment he concluded that he would endeavor to amuse the boys by talking with them more upon the subject.

"This case reminds me of a dispute I once heard between two boys about some whistle-wood."

"Tell us about it," said Rollo.

"Why, there were two boys," said Jonas, "Alfred and Oliver. Oliver had some whistle wood."

"What is whistle-wood?" asked Henry, his countenance at the same time brightening up a little.

“Some pieces of willow,” replied Jonas, “that he was going to make whistles of. He had two pieces. He was making a whistle of one piece, and the other was lying down on the rock.”

“What rock?” said Rollo.

“Why, where they were sitting; they were sitting upon a great, flat rock, under the trees behind the garden.

“‘I wish you’d give me a piece of your whistle-wood,’ said Alfred.

“‘Well,’ said Oliver, ‘there’s a piece.’ As he said this, he just pointed to the other piece of willow; and Alfred took it, and began to make a whistle upon one end.

“‘This is enough to make two whistles,’ said Alfred.

“‘No matter,’ said Oliver; ‘I don’t want it; this one will be enough for me.’

“So Alfred took the large piece, and began to make a whistle upon one end, and said that, after he had done that, he meant to make one upon the other end, and so have a double whistle. But suddenly, while he was at work upon it, Oliver split his piece, and spoiled it. And then commenced the dispute.”

“How?” said Rollo.

“Why, Oliver wanted the other piece of willow back again. He said he had not really given it to Alfred, but only said, ‘There’s a piece;’ and now he wanted it again. But Alfred was not willing to give it up. He said that Oliver had really given it to him, and he wanted it.”

“He might have given him half of it,” said Rollò; “for there was enough for two whistles.”

“Yes, but Alfred was not willing even to do that. He said he wanted a double whistle, and that Oliver ought to have been more careful, and not have split his piece.”

“I think Alfred was wrong,” said Rollo.

“And I think he was right,” said Henry.

“Which *was* right, Jonas?” asked Rollo.

“Do you mean to ask which boy the large willow stick really belonged to, when Oliver split the other.”

“Why, yes,” said Rollo.

“Well, then, I think that, without doubt, it belonged to Alfred. Oliver’s saying, ‘There’s a piece,’ and allowing Alfred to take it, with the understanding that he conveyed the property of it to him, was a good conveyance, and he had no right afterwards to claim it as his.”

“But I think that Alfred ought to have given it to him, — at least half of it.”

“So do I,” said Jonas. “He ought to have been willing to have given it back, under those circumstances. But it would have been a *gift* from Alfred to Oliver, in that case, just as it was at first a gift from Oliver to Alfred. Oliver ought not to have claimed it as his, on the ground that he never gave it away; for what he said and did amounted to a good conveyance. He ought to have said, ‘Now, Alfred, I gave that willow to you, and I acknowledge that it is entirely yours, to do with just as you please; but now I have split mine, and have no more; so I wish you would give me half of it.’ And then Alfred ought to have been willing to give it to him. But I think that notwithstanding this, it was clearly Alfred’s property; and, though he ought to have been willing to give it to Oliver, Oliver had no right to claim it.”

By this time Jonas had finished training up his vine; and so he put his tools and implements together in his box, and prepared to go out of the garden.

“And so, boys, you see,” he added, by way

of closing the conversation, "you must be careful, when you give away or receive any property, to observe, at the time, whether it is a good conveyance; and remember that it is no matter what the form of it is. If the new owner is put into possession, by the former owner, with the understanding that he is conveying the property in the thing, that makes it a good conveyance, and the new owner cannot afterwards be disturbed in his property. But I would not quarrel about it, at any rate," said he, as he took up his training-box, and began to walk away; "unless it is something better than any thing the elector of Saxony ever saw."

When he was gone, Henry, who was not, after all, in very good humor, asked Rollo if he knew who the elector of Saxony was.

"No," said Rollo, "I don't know; I suppose he was some great king, or general, that Jonas has read about in his books."

"I don't believe there is any elector of Saxony," said Henry, after musing a minute; "and besides, I don't believe he ever said such a thing."

In this opinion Henry was partly right and

partly wrong. For the elector of Saxony is unquestionably a real personage; though it may very safely be doubted whether he ever made the remark which Jonas attributed to him.

CHAPTER III

THE SHIP QUESTION.

UNFORTUNATELY the boys got into another dispute that very afternoon. The history of the case is as follows: —

When they found that Jonas was no longer going to remain in the garden, and as there was no further talk to be held with him on the subject of their dispute, they strolled along together to the back side of the garden, where they all got over a stile into a pleasant field, which extended in that direction. At the back part of this field there was a pleasant little pond under some trees, where Rollo used often to go and sail boats.

“O, let’s go down there, and sail boats,” said Henry.

“We have not any boats,” said Rollo.

“If I had a good wide shingle, I could make one,” said Henry.

“I know where there is a shingle,” said

Rollo, "but then it belongs to Jonas; though I know he'll let us have it."

"Well," said Henry, "let's go and get it."

So the boys clambered over the stile again, and went back through the garden. Rollo led the way into a sort of a tool-room in the barn, and there he showed Henry a large shingle sticking up behind a beam. It was so high that the boys could not reach it very well. However, they got a box, and put it under the beam, and Rollo held the box steady while Henry climbed up to reach the shingle.

"Are you *sure* Jonas will let us have it?" said Henry.

"O yes," said Rollo. "Besides, I will ask him for it when I pass along through the yard."

Henry reached down the shingle, while Rollo held the box; and Nathan stood by looking on with an intent and earnest countenance. The boys then put back the box, and went out. As they passed through the yard, they saw Jonas standing at the great chopping-block, at a little distance, sharpening some stakes.

Rollo called out to him, and held up the shingle as he passed along.

“Jonas,” said he, “see.”

Jonas raised his eyes from his work, and saw that Rollo was carrying off his shingle ; but he did not say any thing. He looked at him a moment, and then resumed his work, and allowed the boys to pass on.

The boys went on through the garden ; but they stopped at the stile which led over the fence at the bottom of it, thinking that that would be a good place to sit down and make the boat ; for the steps of the stile made convenient seats for them to sit upon. So Henry, who was going to make the boat, took his seat upon the middle step, and Rollo sat below ; while Nathan remained at the top, nearly on a level with the top of the fence, where he could look down and inspect the whole operation.

Henry took out his knife, and began to fashion the boat. He split off a piece of the shingle from one side for a mast, and he laid aside also a piece for the rudder. He cut out a sail of white paper, and fastened it upon the mast ; then he made a deep incision into the middle of the boat with his penknife, and, cutting the end of his mast into the shape of a wedge, he drove it in.

When he first began to make his boat, Rollo asked him if he would not give it to him when it was done ; and he said that he would. Afterwards, as they were sitting there, talking together, while he was finishing the ship, Nathan seemed very much pleased with it, especially when he saw the rudder fastened on ; and he told Henry that, if he would give it to him, he would give him his whip.

This offer was a very tempting one to Henry, for he wanted that whip very much. So he concluded to alter his mind about giving the boat to Rollo, and to give it to Nathan instead, in exchange for his whip.

“ No,” said Rollo, “ that won’t be fair. You have already given the boat to me.”

“ No,” said Henry, “ I did not really give it to you.”

“ Yes,” said Rollo, “ I asked you if you would give it to me when it was done ; and you said yes.”

“ I said *perhaps* I would,” replied Henry.

“ No, you said really,” replied Rollo.

“ No,” answered Henry, shaking his head very gravely, as he was putting the mast into its place. “ No, I said *perhaps* ; I’m very sure I said *perhaps*.”

“O Henry!” exclaimed Rollo, “you did not say any thing about perhaps.”

“Well, I *meant* perhaps,” said Henry; “I am sure of *that*.”

“Here is your whip, Henry,” said Nathan; and he put the whip over Henry’s neck, so that the handle and the lash hung down before, the handle on one side, and the lash on the other. He began to be afraid that there would be some dispute about the title to the boat, and he was anxious to complete his part of his contract with Henry, by delivering the whip into his possession.

While he did this, Rollo, who sat on the step below, took hold of the end of the boat which was towards him. He did not pull it any, but held it gently, so as not to interfere much with Henry’s fixing the mast, but only so that he should be all ready to take it as soon as it should be finished.

Nathan, seeing this movement, took hold of the other end of the boat, and of the mast, saying, at the same time,

“No, Rollo.”

“It is my boat, Nathan,” said Rollo.

“No,” said Nathan; “I say it is mine.”

Henry had about finished his work, and at



any rate he could not do any thing more now while the boys were holding upon the boat. So he let go, and Rollo and Nathan began to pull, against each other.

“Rollo,” said Nathan.

“Nathan,” said Rollo.

Just at this moment the mast and the rudder, which were the parts of the boat which Nathan had hold of, both came out of their places into Nathan's hands ; and Nathan, finding that he had thus gained possession of a part of the property, seemed disposed to make sure of this, for he scrambled down the side of the stile which was towards the garden, and ran along a few steps in one of the walks, and then stopped and looked around to see if Rollo was following him.

“Give me my mast and rudder,” said Rollo.

“Give me my boat,” said Nathan, in reply.

“I am going to tell Jonas of you, sir,” said Rollo, “because you won't give me my things.”

“I am going to tell him of you,” said Nathan, “because you have got my boat. It is *my* boat, for Henry gave it to me.”

So saying, both the boys went along in pursuit of Jonas. Nathan went up through the garden, while Rollo went around through the

field. Henry followed Nathan slowly, examining the whip, and now and then snapping it as he walked along.

When they got into the yard, Jonas was nowhere to be seen. Rollo called out for him, in a loud voice. Nathan, who seemed to wish that his cause should not suffer for want of any attention on his part to the requisite formalities, began to call for Jonas too. In a minute, the boys heard an answer coming from behind the barn. So they all went around behind the barn.

They found Jonas there with a wheelbarrow. He was filling it with tall, green weeds, which he was pulling up out of nooks and corners.

"O Jonas," said Nathan, "what are you going to do with all these weeds?"

"I am going to give them to the pig," said Jonas.

Rollo looked on a moment in silence, and then introduced the business in hand, by saying,

"Jonas, I wish you would make Nathan give me my mast and rudder."

Jonas looked at the mast and rudder, which Nathan held in his hand. Nathan did not speak, but he eyed Jonas with a look of

doubt and suspense. He did not say any thing, partly because he was a little at a loss to know how to plead his cause, and partly because he had a sort of an instinctive feeling that Jonas would not decide until he understood fully all the circumstances.

"Is it your mast and rudder?" said Jonas.

"Yes," said Rollo.

"No," said Nathan, "they are mine."

"No, they are mine," said Rollo. "Henry made a boat, and gave it to me. He gave it to me while he was making it. I asked him to give it to me, and he said he would. So it was a good conveyance. Afterwards Nathan offered him his whip for it, and he was going to change his mind. But he had no right to take it back, after he had once given it to me. You told us so."

"And how came Nathan to have the mast and rudder?" asked Jonas.

"He pulled them away," said Rollo.

"No," said Nathan, "he pulled the boat away from me."

"In disentangling a difficulty among boys," said Jonas, "the first thing always is to get the *violence* out; that is, for each boy to give up all he got by violence; and then things are

put back exactly where they were before the violence took place. This is always a safe way ; for no boy ought to attempt to do himself justice by violence ; and if he does attempt it, all that he gains by it ought to be taken away. Did you, Rollo, or Nathan, have the boat, at first, when you began to pull for it ? ”

“ Henry had it,” said Rollo and Nathan together.

“ Then give all the parts to Henry.”

So Rollo gave the boat, and Nathan the mast and rudder, to Henry. Henry took the pieces, and sat down upon a flat stone, and began to put them together again.

“ Now,” said Jonas, “ we have got back to where the violence began. Now we can investigate the case.”

“ Well,” said Rollo, “ I will tell you all about it. We were playing out there in the field, and I said — ”

“ No,” said Jonas, “ it is of no use for you to tell me one of your long stories. They never have any beginning, middle, or end. I can get at the kernel of the nut in a moment, by asking you two or three questions. Did Henry make the boat ? ”

“ Yes,” said the boys.

"And did he promise to give it to you, Rollo?"

"Yes," replied Rollo, "he gave it to me first."

"Did he actually give it to you, or say he would give it?"

"Why, I asked him if I might have it, and he said yes."

"And did he deliver it to you?"

"No," said Rollo; "it was not ready then."

"Then what he meant was, that he *would* give it to you as soon as it was done?"

"Yes," said Rollo.

"And, Nathan, did he afterwards give it to you?"

"Yes," said Nathan; "because I gave him my whip."

"No," said Rollo, "he did not deliver it to him; he said he would give it to him."

"But he did not actually deliver it to either of you."

"No," said Rollo; "for before he got it done, Nathan began to pull it away."

"And Rollo too," said Nathan.

"Well," said Jonas, "I believe I understand the case now. Henry built the ship; and so far as you, Rollo and Nathan, were

concerned, it was his property. When he said that you should have it, Rollo, as soon as it was done, — that was not *giving* it to you, but only promising that he would give it to you. The title did not pass.”

“What?” said Rollo.

“Why, the title to the boat was in Henry; that is, it was his property; and that title did not pass to you by his promising to give it to you. To be sure, he ought to keep his promise, and to give it to you accordingly; but still promising isn’t giving. The title could not pass to you until the delivery.”

The boys were silent. They saw that there was reason in the distinction which Jonas was making.

“Then again,” said Jonas, “when at length Henry came to alter his mind, and think that he had rather give the boat to Nathan for his whip, and accordingly then agreed to do it, — then, the title did not pass to Nathan, any more than it did before to you; that is, provided that he did not actually deliver it to Nathan.”

“Well, he did not,” said Rollo.

“So I suppose,” said Jonas. “I think he did wrong to agree to give it to Nathan, after

he had promised to give it to you ; for thus he bound himself by two inconsistent promises ; and he must of course break one of them. Still he had the power to do it, if he chose. The boat was still his, notwithstanding his promise to give it to Rollo ; and after he had promised it to Nathan, it was still his ; because, though he had twice promised to give it away, he had not actually given it ; and of course the title still rested in him."

Jonas paused, and the boys did not answer.

"So, you see," continued Jonas, "that if, after he had finished the boat, he had laid it down upon the stile, neither you nor Nathan would have had any right to touch it without his leave. It would not be necessary for him to say, in so many words, that you might take it ; but then he must show by signs or looks, or in some way or other, that he gave it up to you.

"For instance," continued Jonas, "if you had been by the water when Henry finished the boat, and if he had only promised it to Nathan, and then, when it was done, if he had stooped down, and put it into the water, and said, 'There, Nathan,' — and then if Nathan had taken it up after it had sailed a

little, or had only begun to push it about with a stick, — that would have been a good delivery; for in that case, though Henry would not have exactly handed it to Nathan, yet he would have just as really passed it from his own possession to Nathan's possession, as if he had actually put it into his hands."

"Would that have been a delivery?" said Rollo.

"Yes," replied Jonas; "any way that Henry could give up the boat to Nathan, voluntarily, and of his own accord, is a delivery; and a delivery is necessary to make the title pass. Now, Henry has not delivered the boat either to you or Nathan, though he has promised to give it to you both. Still, as he has not delivered it to either, the title has not passed; and of course it is now as much Henry's as it ever was."

"And what do you think I ought to do with it?" said Henry.

"I don't know. You have made two promises, and cannot keep but one of them. I don't know what you will do. I should not want to get into such a predicament myself."

Henry looked very serious, while Jonas said this. He had fitted the mast and rudder into

their places again, and was now pushing the boat along a little upon the grass, as if he were trying to make it sail over the ground.

“He promised me first,” said Rollo.

“That is true,” said Jonas; “but, then, his promise to you was without a consideration.”

“A consideration?” said Rollo.

“Yes,” said Jonas, “a consideration; and a promise without a consideration, I believe, is void in law. But I cannot stop to explain that to you now; for there is another fact that will settle the question, who this boat belongs to.”

“Why, who does it belong to?” said Rollo.

“It belongs to me.”

“To you!” exclaimed the boys.

“Yes,” said Jonas. “It was my shingle, and I never gave it to Henry; so that, after all, the boat is mine.”

“O Jonas,” said Rollo; “we showed it to you when we went along the yard.”

“True; but did your showing it to me make it yours?”

“Why, I thought you knew we wanted it to make a boat of.”

“Well, suppose I did.”

"And you did not say we must not take it."

"That's true," said Jonas, as he brought out half a dozen tall weeds, and put them in the wheelbarrow.

"And I thought you meant that we might have it."

"But I don't think that you really think that you made the shingle yours in that way. My property cannot pass out of my hands, unless I do something myself, voluntarily, to convey it. And I did not do any thing in this case. I was busy cutting wood."

"No, sharpening stakes," said Rollo.

"Well, sharpening stakes; and I said nothing and did nothing; I let you go, it is true, without making any objection. But I was not bound to make any objection. Then I might, if I chose, let you take off my property, and then claim it some other time."

Here Rollo looked at Henry and laughed, to think that none of them was going to have the boat. But Henry and Nathan looked rather sober.

"But, Jonas," said Nathan, "what do you want that boat for? You are too big to sail boats."

"I did not say I wanted it," said Jonas.

"I only said it was mine."

"Well, then, if you don't want it," said Rollo, "you can give it to us."

"To *me*," said Nathan; "give it to me."

"Yes," said Jonas, "so I can. I did not say any thing about what I was going to do with it, but only that it was mine. You see the first question is, to ascertain where the title is; that is, whose property it is. When we ascertain who it justly belongs to, then the owner can do what he pleases with it. Now, do you all see that it belongs to me?"

"Yes," said Nathan. Henry did not answer. Rollo said, after a moment's hesitation,

"But, Jonas, it was only the shingle that belonged to you; and Henry has made it into a boat."

"True," said Jonas; "but, then, if he comes and makes improvements on my property, he does not acquire a title to my property on that account. Suppose a man were to come and paint over your father's house; would the house become his?"

"Why, no," said Rollo.

"Certainly not," said Jonas; "and so, if you expend any labor upon a shingle that is

not yours, you run the risk of losing all your labor; for if the owner of the shingle comes and claims it, you will have to give it up to him."

"Well," said Rollo, turning around, and beginning to walk away, "I thought you would be willing that we should have the shingle."

"So I was," said Jonas. "I was willing to give it to you. If you had asked me for it, I probably should have given it to you. When I saw you carrying it away, I had no idea of ever reclaiming it again. But then I did not give it to you, and of course I never lost my right to claim it. The title has not passed from me; and of course I have a right to call upon you to give it back to me, at any time, — even though it is made into a boat."

"Well, Jonas," said Henry, "if you meant to let us have it when we carried it away, I don't see why you cannot let us have it now."

"There are two reasons," said Jonas. "First, because I want you to understand the case fully. Boys very often get into disputes about their property, because they do not keep their ideas clear about the title. They pass the property along from hand to

hand, and sometimes the title passes, and sometimes it doesn't. Now, I want you to see clearly how it is in this case ; and so I explain to you, that the title never passed from me. It is not because I care any thing about the boat, but because I want you to understand the case, and so know the next time."

" Well, Jonas, what is the other reason ? "

" Why, the other reason — if I give up my claim, then the boat becomes Henry's ; and then he is at once in difficulty, to know which of his two promises to keep. If he gives it to Nathan, *you* will feel badly ; and if he gives it to you, Nathan will feel badly. But hark ; isn't that the bell ? "

So saying, Jonas stopped to listen. There was a bell ringing at the house. He knew it was for him ; so he called out, " Ay, ay," with a loud voice, and went away, asking the boys, as he went, if they would not wheel the load of weeds around, and throw them into the pig-pen

CHAPTER IV.

CONSIDERATION.

A SHORT time after this, Rollo was sick. He was sick for several days. His father thought that he was going to have a fever. A physician came to see him, and gave him some powders in a great spoon. His mother stood by, with a lump of sugar, ready to clap into his mouth, as soon as the powders were down. Rollo did not care much about the sugar, however; for his head ached, and he felt giddy. So he laid his cheek down again upon the pillow, and shut his eyes, without speaking a word. That night they put a tumbler full of tamarind water upon a little table, by the side of his bed, for him to drink in the night, for he was quite thirsty, and wanted something to drink very often. His mother staid in the room with him that night, to take care of him.

The next day he was better; and in the evening his mother gave him some tea. and

one piece of toast, with a little currant jelly upon it. His mother made him some drink, too, of currant jelly and water ; for he had by this time got tired of his tamarind water. His cousin Lucy, too, who had heard that he was sick, brought him a little jar of preserves, to eat with his toast.

One morning, a day or two afterwards, Jonas came into his room to see him. Rollo had got so much better, that his mother had left him alone while she went to breakfast.

It was a pleasant summer morning, and Rollo was looking out of a window which his mother had left open, and listening to a robin, which was singing upon one of the trees in the yard. Just then he heard the door open ; and Jonas came in.

“ Well, Rollo,” said Jonas, “ are you getting better ? ”

“ Yes,” said Rollo, “ I am a great deal better.”

“ Can I do any thing for you ? ” said Jonas.

“ O, I don't know,” said Rollo ; and he raised himself up in bed, leaning back against the pillows, and began to look around. The room had not been put in order that morning ; and there were tumblers half full of different

kinds of sweet drinks, and two or three little glasses and boxes of jellies and preserves, on the tables and mantelpiece.

“Yes,” said he; “Jonas, there is one thing I should like to have you do. I wish you would go all around this room, and take all the jellies, and preserves, and sugar-bowls, and every thing sweet that you can find, and carry them all off out of my sight; for I am tired and sick of them.”

Jonas laughed, and said, “I rather think you *are* getting better.”

“And there is another thing, Jonas, I wish you would do for me,” said Rollo.

“What is it?” said Jonas.

“Go and catch that robin, that is singing on the tree out in the yard, and bring him in here,” said Rollo, with a roguish smile.

Jonas perceived, from Rollo’s light-heartedness and gayety, that he was really getting better; and he was very glad. He did not, however, attempt to comply with either of Rollo’s requests; but, after talking with him a few minutes, he went away.

After breakfast his mother came in, and she carried the sweet things all away, and brought him, instead of them, a bowl of broth,

which Rollo liked very much indeed. She let him get up and dress himself too; and then he and Nathan went out to the end of the entry, where a door opened out upon a platform towards the garden yard. The sun shone in very pleasantly, and Rollo and Nathan got some crickets, and little chairs together, and concluded to play there for an hour or two.

Rollo proposed that they should make a shop out of the crickets and chairs; and Nathan, who had greater confidence in Rollo's capacity for planning plays, than in his own, agreed at once to the proposal, though he did not know very well how a shop was to be made. He soon saw, however; for Rollo placed one little chair for himself, and one for Nathan, and then placed a couple of crickets together, end to end, for a bench. He put his knife and a little gimlet on the bench, and then asked Nathan to go and get a small carpet hammer, which was kept hung up in the china closet, and which his mother used often to let them have to play with. He asked him to bring also a case-knife from the kitchen.

“What are you going to make, Rollo?”

said Nathan, when he came back with the knife and hammer.

“O, I don’t know,” said Rollo; “I have not thought about that. A windmill would be a pretty good thing to make.”

“A windmill?” said Nathan; “can you make a windmill?”

“Yes,” said Rollo, “easy enough.”

“*Did* you ever make one?” said Nathan.

“No,” said Rollo, “but I saw Henry make one, the other day; and it is easy enough.”

“If I only had some wood!” he continued, as he looked around upon the crickets and chairs, and saw that he had plenty of tools, but no *stock*. Workmen call the materials out of which they manufacture their articles, their *stock*.

“Could not you get me some wood, Nathan?” said Rollo.

“Yes,” said Nathan, “I know where there is a plenty.” So Nathan went off after some wood. While he was gone, Rollo occupied himself with sharpening his knife upon the sole of his slipper, strapping it back and forth, as he had seen his father strap his razor.

Nathan came back in a few minutes, bring-

ing a round stick of wood from the wood-pile, covered with bark, and disfigured here and there by a knot. At sight of this, Rollo laughed aloud, and told Nathan that that kind of wood would not do to make a wind-mill of.

“Why not?” said Nathan.

“Because,” said Rollo, “it is a very hard kind of wood, and I cannot cut it easily. And then it is too large. Besides, it is full of knots, which will prevent its splitting straight. You go and find Jonas, and ask him to send me in some pieces of good, soft pine, and I can make it out of them.”

Nathan looked at his stick of wood somewhat despondingly. He did not want to go again after more wood; but he saw very clearly that that piece would not answer. He walked along slowly across the platform into the yard, while Rollo went on strapping his knife. When Nathan reached the gate which led from the garden yard towards the barn, he climbed upon it, and called out, ‘Jonas,’ with a loud voice.

Jonas did not answer.

Rollo, hearing Nathan call, laid down his knife and slipper, and stepped out upon the

platform, so that he could see Nathan upon the gate.

"I would not stop there, calling for him, Nathan," said Rollo. "You had better go and find him."

"I don't believe I *can* find him," said Nathan. "He is not out here any where."

"O yes, he is," said Rollo.

While Rollo was speaking, Nathan unhasped the gate, and it swung open a little way, carrying him upon it. He then put his hand upon the post, and began to swing himself back and forth upon the gate.

"Come, Nathan; run along," said Rollo.

"I don't think I can find him," said Nathan.

"O yes, you *can*. He must be there. Come, that's a good boy. If you'll go and find him, and bring me the wood, I'll give you the windmill when it is done."

"Well," said Nathan, "I will." So saying, he clambered down from the gate, and went off into the other yard, and disappeared.

He was gone a considerable time. At length, however, Rollo heard him opening the gate; and presently he appeared upon the platform with two long, slender strips of pine,

which Jonas had split off from a board. He said, too, that Jonas was coming there pretty soon, to give him some advice about making the windmill.

Jonas did come; and he gave Rollo very particular directions about the work, especially about fitting the two cross-pieces together neatly. He told him that if he would take pains, and form the joint carefully, he would let him have some glue to glue the parts together with. In fact, Jonas helped him a little in making out his work, and in finishing the parts in a true and regular manner. When the two cross-pieces were ready to be glued together, Jonas said he would go and get the glue-pot and a clamp.

"A clamp?" said Rollo. "What is a clamp?"

"You will see," said Jonas, "when I come back with it."

"What is it for?" said Rollo.

"It is to press the pieces tight together, while the glue is drying."

In a short time, Jonas came back with a small glue-pot in his hand, and a short piece of board under his arm. When he put them down, Rollo observed that there was a square

notch sawed in the board, — in one side of it. It was about half an inch wide, and one or two inches deep.

“But where is the clamp?” said Rollo.

“That is it,” said Jonas, pointing to the board.

Jonas then put the two cross-pieces of Rollo’s windmill together, and then took up the board, and put the joint, where the cross-pieces came together, into the notch. The thickness of the joint was almost enough to fill up the notch. Still there was a little room on one side; and Jonas asked Rollo to hold the board and the windmill, while he made a wedge to fit the empty space. When all was ready, he took the pieces of the windmill apart, and brushed the glue on; and then he put them together again, and inserted the joint once more into the notch. Then he drove the wedge in tight between the windmill and the side of the notch, so as to force the parts of the windmill together very closely.

“There,” said Jonas, as he laid the work down carefully upon the platform in the sun, “you must leave it till after dinner to dry. In the mean time you can be making the spindle.”

“How shall I make it?” said Rollo.

“O, make a round stick, and then take a long, slender nail, and file it round and smooth, and drive it into the end of the stick, through the hole in the middle of the joint between the cross-pieces; and that will be a good axis for the mill to turn upon.”

“Well,” said Rollo, in a tone of great satisfaction. He had never known before how to make a windmill so well as this, and he was much pleased with these directions.

“But how shall I hold the nail,” said he, “to file it?”

“Why, you can drive it into the end of a stick, and then hold the stick in your hand, and rest the end of the nail on a board in your lap, and that will confine the nail.”

“So I can,” said Rollo; “but, then, how shall I get the nail out again?”

“O, split open the stick, with your case-knife,” said Jonas, “and then you can take it right out.”

So Jonas went away, and Rollo began to select a piece of wood for a spindle; and when he had chosen one, he sat down and began to shave it down to the proper shape, drawing it along over his knee, and gently pressing the edge of his knife upon it, as it moved. While

he was doing this, Nathan looked on with great interest and pleasure, delighted to think what an excellent windmill he was going to have.

"Did you ever glue a windmill together before?" said Nathan.

"No," said Rollo; "I never had such a good windmill as this is going to be."

"Nor I," said Nathan. "When do you think you shall get it done?"

"O, perhaps this afternoon," said Rollo. "I don't know but that I shall get Jonas to paint it for me."

"I wish he would," said Nathan. "I should like a painted windmill very much. I will go and show it to mother when it is done."

"No," said Rollo; "I must show it to her, Nathan."

"And then give it to me afterwards?" inquired Nathan.

"Why, no," said Rollo; "I don't think I can give you this windmill. But perhaps I will make you another, some day."

"But you *promised* it to me," said Nathan.

"O Nathan," said Rollo.

"You did certainly," said Nathan, "when I was on the gate."

Rollo did not reply to this, but went on shaping his spindle without speaking a word.

“You *must* give it to me, Rollo,” persisted Nathan; “for you said you would.”

“No,” said Rollo; “I will lend it to you to run with it across the yard, and make it spin; but I cannot possibly give it to you.”

“But you *promised* me you would,” said Nathan, nodding his head, and placing a very strong emphasis upon the word *promised*.

“Seems to me I did not promise absolutely,” said Rollo. “And then, besides, if I did, I did not know how good a windmill it was going to be. You see I did not expect that Jonas was going to help me. If I had considered that, I should not have promised. So I promised without consideration; and when promises are made without consideration, they ought not to be kept. Jonas said so. And I did not *consider* when I spoke. I didn’t, truly, Nathan.”

Nathan listened to what Rollo said, with a countenance expressive of sad disappointment; but he did not reply, for he did not know what to say in answer to Rollo’s argument. He did not understand it very well.

In fact Rollo made a very great mistake. Jonas did not speak of a promise made without consideration, but without *a* consideration; which is a very different thing, as will presently appear.

Rollo, not long after this, became somewhat tired of working. Though convalescent, he was not really well; and about eleven o'clock he was very glad to put away his tools and go back into his bed-room. His mother laid him upon his bed, and in a short time he was fast asleep.

When he awoke, he saw his father standing by his bed-side, looking down upon him with a smile.

Rollo talked with his father a few minutes, and then told him about his windmill, and that he wanted to get some paint, to paint it. He sent Nathan out to the platform to bring in the board which it was wedged into, and he showed his father how Jonas had clamped the parts together, by wedging them into the notch.

His father observed that the glue was dry; and so he loosened the wedge carefully, and took out the windmill.

"I wish I had some paint, to paint it," said Rollo.

"Some colored varnish would be best," said his father; "and I believe I have got some. By and by, when you get up, you can rub it all over with some sand-paper, and make it smooth; and then a little while before tea-time you may bring it into my room, and I will paint it for you."

"If you would let me have the varnish and a little brush," said Rollo, "I could paint it myself."

His father concluded to do this. He said that he would get the varnish and the brush ready, and after Rollo had eaten some dinner, which his mother was going to bring him in upon a waiter, he might sit up to the table and paint his windmill.

"But, father," said Nathan, "don't you think that Rollo ought to give me this windmill? He promised me that he would."

"Did you promise it to him?" said his father.

"Why, yes, sir. I said I would give it to him; but I did not know it was going to be such a good windmill, glued and painted; and so the promise was made without consideration; and we are not obliged to keep

promises that are made without consideration."

"Not obliged to keep promises made without consideration!" said his father, in a tone of surprise.

"No sir. Jonas told me so."

"Without *a* consideration," said his father, "I presume he said."

"Well, sir," said Rollo, "isn't that the same thing?"

"Not at all," said his father. "*Without consideration* would mean without reflection; without *a* consideration would mean without any thing to compensate you for the promise. What made you promise to give Nathan the windmill?"

"Because I went and got the wood for him," said Nathan.

"Then that was the consideration. His going to get the wood was an advantage to you; and it was in consideration of that, that you agreed to give him the windmill; so that that promise is binding."

Rollo paused a moment, somewhat saddened at the danger of losing his windmill, and at length said,

“And what sort of promises are not binding, then?”

“Why, in law, I believe that a man is not considered as held to perform any promise which he makes gratuitously, that is, without any thing given to him, or promised or done for him, by the person that he makes the promise to. For instance, if a man was expecting a ship to come in loaded with fruit, and should promise to make one of his friends a present of a box of oranges when it should arrive, and then should afterwards alter his mind, and refuse to do it, — I believe the law would not compel him to keep his promise, because it was made without a consideration. But if his friend had given him any thing, or done any thing for him, and the man had promised him a box of oranges on that account, — then there would have been a consideration, and he would have been compelled by law to keep his promise. Perhaps there is ground for some such distinction in the dealings of boys; but you had better ask Jonas about it some time. But I think, at any rate, you had better let Nathan have this windmill.”

Rollo was at first a little unwilling to come to this conclusion; but when he considered

how much pleased Nathan would be with it, he concluded to give it to him ; and, in fact, after he had once made up his mind to do so, he took as much pleasure in finishing it for Nathan as he would have done had it been for himself. His father brought him two kinds of varnish, and he painted the vanes of the windmill, alternately, red and green. The handle he painted green, with red rings around it here and there. The next day it was dry, and Rollo was well enough to go out into the yard with Nathan and see it whirl, when they ran along, holding it out before them. It was curious to observe the singular effect which was produced by the mingling of the colors of the vanes, when they were in rapid motion.

CHAPTER V.

BINDING PROMISES.

AFTER Rollo and Nathan had got tired of playing with the windmill, Rollo determined to go and ask Jonas to tell him something more about "consideration." Just as he was going, however, James came into the yard. He had come over to play with Rollo.

So they stopped and played some time longer with the windmill, in order that James might see it. Then they gave it to Nathan; and Rollo said he meant to go and find Jonas. So they all went together.

They got out into the barn-yard just in time to see him going away down the lane, with a hatchet in one hand, and a rope in the other. They all set out in pursuit of him, Rollo calling aloud, "Jonas! Jonas!"

Jonas stopped and turned around, and, seeing them, he waited until they came up.

"Jonas, where are you going with that rope?" said Rollo.

"I am going down into the woods," said Jonas, "to get some pea-poles."

"May we go with you?" said Rollo.

Jonas said that they might go, if they would help him. He said the hatchet was to cut the pea-poles down with, and the rope was to tie them up in a bundle and pull them up into the garden.

So they all went down into the edge of the woods; and Jonas cut down the bushes, and trimmed them up a little; and then the boys dragged them along, one by one, and laid them snugly in a pile, over one end of the rope, which Jonas had laid down for that purpose upon the ground.

While they were doing this, they talked with Jonas about the subject of promises. Rollo began by asking Jonas what he meant by saying that a promise was not binding, if it was made without a "consideration." He wanted to see whether he really had meant what his father had supposed.

Jonas explained his meaning very much in the same way as his father had done. And Jonas said he thought there was the same ground for distinction between promises made with and without a consideration in trans-





actions among boys, as among men. But Rollo said that he thought that all promises ought to be kept, whether there was a "consideration" or not.

"Why, I am not sure," said Jonas, "that we can say exactly that. For example, suppose I was going down into the woods with a cart, and you should want to ride, and I should say, 'No, not now; but when we get down pretty near the brook, you may get in, and ride across the brook;' that would be a promise; wouldn't it?"

"Yes," said Rollo.

"With or without a consideration?"

"Without."

"Well, now, suppose your father were to stop me before I should get to the brook, and send me another way; should I be bound to go on and drive across the brook?"

"Why, no," said Rollo, doubtfully, "I suppose not. But that would be because you *could* not; you would be obliged to obey my father."

"But, on the other hand, if there had been a *consideration*, for example, if you had given me an apple, and I had promised that I would let you ride across the brook for the apple,

and then should eat it, then, if I was called away, I should still be under an obligation. I must either let you ride across the brook that day or some other day, or else I must pay you back an equivalent for the apple, in some way."

"What is an equivalent?" said Rollo.

"Something of equal value," replied Jonas.

"Yes," said Rollo.

"So that you see," said Jonas, "that there is a great difference between promises with and promises without a consideration. Promises with a consideration are contracts, absolutely binding; and where they cannot be fulfilled, the person is entitled to an equivalent. But promises without a consideration only express *intention*. True, they ought always to be carried into effect, if possible; but the person that the promise is made to, has not the same right to claim, absolutely, that it shall be fulfilled."

"Yes," said Rollo, "I see."

The conversation which has here been given continuously was in fact somewhat interrupted by the work which the boys were doing. They had now made up quite a heap of pea-poles, as many, in fact, as Jonas thought it would be wise for them to drag. So Jonas

came and drew the rope tight around them, and tied it ; and then he tied some knots along at different distances in the rope, so that the boys could take hold well. Then they all took hold, excepting Nathan. Jonas thought he was too small ; but he insisted that he was big enough, and he wanted to pull too. Jonas at length told him he had better be the driver ; and he cut him a long, slender stick, for a goad stick. So Nathan took the stick, and, pretending that Rollo, James, and Jonas were oxen, he walked along by their side, shouting, “Gee-whoa,” “Ha, Star,” “Ha, Line,” and all the other teaming talk he could think of. Thus they dragged the bundle of pea-sticks into the garden.*

They then all went to work sticking the peas ; and, while they were doing it, Rollo introduced the subject of promises again, by saying that he believed that, in promises among boys, there almost always was a consideration of some kind.

“Yes,” said Jonas, “I believe there is generally. But here, Nathan,” said he ; “what are you doing ? ”

“I am going to stick the peas,” said Nathan.

* See Frontispiece.

The boys looked and saw Nathan attempting to pull out a large pea-stick from the heap, and was in danger of pulling it to pieces.

“No,” said Jonas, “you are not big enough to stick peas. You can stand out there in the alley and see us.”

Then speaking to Rollo again, he added,

“Boys very often get promises made to them without a consideration in one way.”

“But I have not got any thing to do,” said Nathan.

“Nathan, I wish you’d be still,” said Rollo, in a fretful tone. “I want to hear what Jonas is saying.”

“Nathan,” said Jonas, “should you like to have me tell you a story?”

“Yes,” said Nathan.

“Well, I have got a beautiful story to tell you about a monstrous great tree; and, if you will stand still, or amuse yourself in any way, till we get the rest of these peas stuck, I will tell you the story when we are going out of the garden.

“And besides,” he added, “here is one of the pea-sticks, which you may have for a horse in the mean time.”

So Jonas gave Nathan one of the pea-sticks, and he mounted it, and began to ride around the alleys ; and then Rollo and Jonas could go on with their talk.

“ I was telling you that there is one way in which boys get promises without a consideration ; that is, from their fathers and mothers.”

“ How ? ” said Rollo.

“ Why, it is very common,” said Jonas, “ for a boy to ask his father or his mother to give him something, or to let him do something, or go somewhere, at a future time ; and they say yes. This, now, is a promise without a consideration. It ought to be kept unless something unforeseen prevents it ; and then, if any thing does happen to prevent it, the boy has no claim upon them for it. It was a promise without a consideration, which expresses *intention* only, but does not *bind*.”

“ My father told me once,” said James, “ that he would let me go and ride the next day. But it was not very pleasant weather ; and so he did not let me go.”

“ Yes,” said Jonas, “ that was all right enough. It was a promise without a consideration ; and it meant that he *then intended* to

let you ride, unless something should prevent."

"Suppose there had been a consideration," said Rollo.

"Then he would have felt bound. As, for instance, if you had had some medicine to take, and your father had told you that, if you would take it, like a good boy, he would carry you to ride the next day, — then I have no doubt he would have felt bound to carry you; or, if he could not, to give you something as an equivalent."

"Yes," said James, "I think he would."

"The sum and substance of it," said Jonas, "is this. In regard to promises made without a consideration, — we must always fulfil them, if it is possible, when we make them ourselves; but we must never claim the fulfilment of them from other people."

By this time Jonas had finished his work; and so he coiled up the rope, and prepared to go out of the garden. Nathan came riding up on his horse, to claim his story.

"You are bound to tell him," said Rollo, "for you have received the consideration."

"Yes," said Jonas, "he has amused himself without troubling us at all."

So they all walked along together, and Jonas began his story as follows : —

“ Once there was a boy, and he saw a little mountain, and he said, ‘ Father ? ’ And his father said, ‘ What ? ’

“ And he said, ‘ May I go up on that mountain ? ’ And his father said, ‘ Yes. ’ So he began to climb up ; and the more he tried to climb up, the more he kept slipping down.

“ Then his father said, ‘ Catch hold of the trees, boy. ’ So he caught hold of the trees, and then he could climb very well. At last he got to the top ; and he could see a great way.

“ He had an apple in his pocket, and he sat down and ate it. One of the seeds was a very big one, and so he planted it. Presently it came up, and began to grow very fast, and the boy thought he would get on it, and let it grow up with him ; and so he could get up higher in the air, and see farther.

“ So he climbed up upon the tree, and it kept on growing higher and higher, with him upon it.”

“ O Jonas,” said Rollo, “ I don’t believe that story is true.”

“ Is it true, Jonas ? ” said Nathan.

“ O, you’ll hear,” said Jonas ; “ it will be true before I get through with it.”

“ *Will* be true ? ” said Rollo.

“ Yes,” said Jonas ; “ you’ll hear. The tree grew up higher and higher, until the boy got so high in the air that he could not see the ground.”

“ O Jonas ! ” said Rollo.

“ I don’t believe it,” said James.

“ And the boy,” continued Jonas, “ began to be very much afraid he could not get down. So he began to climb down. When he got down a considerable way, he saw a hole, and he crawled into it. He found the tree was hollow, and very large inside. It grew larger, and larger, and larger ; and he found a great many large squirrels in there. They were running about ; and he began to chase them up and down the trunk of the tree, and into the hollow branches.”

By this time the boys had all got out of the garden, and were following Jonas as he walked along towards the barn. At the gate Jonas stopped with them to finish the story. They were all listening with the most eager interest.

“ Presently,” continued Jonas, “ he heard a sound, as of somebody knocking. He

thought the men had come to cut down the great tree, and that he should get killed. So he was very much frightened. He clung to the inside of the tree, with his fingers in a crack, and tried to scream; but he could not scream very loud. He could only say,

“‘U—h; U—h; U—h;’ and then he woke up.”

“Woke up?” said Rollo and James both together.

“Yes,” said Jonas, “and found himself in bed, lying on his back, with the nightmare. So there’s your story, Nathan.”

With these words Jonas walked off, leaving the boys mute and motionless, pondering over this extraordinary dream. After he had gone a little way, Rollo called out to him, and asked who the boy was.

“*I* was the one,” said Jonas; “and the noise was Dorothy knocking for me to get up.”

So Jonas went off to his work, and the boys to their play.

CHAPTER VI.

REQUESTS AND DEMANDS.

ROLLO was standing one afternoon in the yard near a great log of wood, which he was idly chopping with his hatchet, when he heard the door open, and, looking up, he saw his cousin Lucy, coming out to find him. The people in the house had told her that Rollo was out in the yard somewhere.

“Rollo,” said she, “I have come to play with you.”

“Well,” said Rollo, walking along towards her. “That is exactly the thing; I wanted somebody to go down into the woods with me.”

“What are you going to do down in the woods?” asked Lucy.

“O, I am going to clear a piece of land,” said Rollo. “I am going to have a little farm.”

“A little farm!” said Lucy.

“Yes,” said Rollo. “Father says I may

cut down as many alder bushes as I please ; and there is one good level place there, where there is nothing but alder bushes. Come. We'll cut them down, and burn them up, and have our farm there. We'll plant some corn. Come."

Lucy said, "Well," with a tone of satisfaction and pleasure, as if she liked the plan ; and she followed Rollo along towards the great gate.

"But, Rollo," she said, in a minute or two, "won't there be too many roots to plant our corn?"

"O no," said Rollo, "I don't think there will be a great many roots. Besides, we can dig 'em up."

Rollo began to open the great gate for Lucy and himself to go through, when he happened to think that they had not got any dipper. When he went down to work in the woods, he always used to carry a dipper to get water out of the brook ; for Rollo, like other children, was always wanting a drink of water.

"There," said he, "Lucy, I have forgotten the dipper, now ; you just go back and get it.

You know where it hangs, on my little nail behind the door."

"O no," said Lucy, "we shall not want any dipper."

"Yes, we shall," replied Rollo; "I always want a drink when I am working; and you'd better go and get it."

"No," answered Lucy; "besides, you ought to go and get the dipper, as you are the one who is going to want to drink."

"No," said Rollo; "I have got the hatchet, and that is my share. Come, you *must* go back and get it."

So saying, he gently pushed Lucy with one hand, and with the other he held the gate, so as to prevent her going through.

Lucy smiled, but Rollo looked a little vexed. Lucy retreated a little, and then, going along by the fence a few steps, she began to climb over, looking good-naturedly at Rollo, who was holding the gate all the time.

Rollo ran to where Lucy was climbing over, and began to reach up his hands to stop her. "Lucy! Lucy!" said he, in an irritated tone.

Lucy stopped, and, seeing that Rollo was really beginning to be angry, she stepped back off from the fence, and began to walk slowly away.

Rollo thought, from her appearance, that she was not going after the dipper. Besides, he felt somewhat guilty and self-condemned. He stood a moment watching Lucy through the bars of the fence, and then said,

“Where are you going, Lucy?”

Lucy turned around, and looked at Rollo rather sorrowfully; but she kept walking on slowly backwards.

“I don’t know where to go to,” said she. “I came to play with you, but you won’t let me.”

“I think you ought to go and get the dipper,” said Rollo.

“I don’t think you have any right to *make* me go,” said Lucy.

“Nor I either,” said a voice that sounded like Jonas’s, which came from towards the garden.

They both looked that way, and saw Jonas’s head over the garden fence.

“Jonas,” said Rollo.

“What,” said Jonas.

Rollo paused. In fact he had not any thing to say. At length, however, he looked up again, and said,

“Don’t you think that Lucy ought to go and get the dipper?”

“That is a question for her to consider,” said Jonas. “If she should ask me for my advice about it, perhaps I should give it to her; but you ought not to trouble yourself about *her* duty.”

Rollo did not answer.

“The question is for Lucy to consider,” continued Jonas, “whether she ought to go or not. The question for you is, whether, if she decides not to go, you ought to undertake to make her.”

“I was not going to make her,” said Rollo.

“Yes, you held the gate,” said Lucy, “and would not let me go through.”

“You did not *try* to go through,” said Rollo.

“Because I saw you was holding the gate,” said Lucy, “and so it would do no good to try.”

“It was not merely holding the gate,” said Jonas. “You talked about it as if you had a right to demand of her to go. That’s the way that boys and girls get into half their

quarrels. They make demands where they ought only to make requests."

"I don't see much difference," said Rollo.

"There is a great deal of difference," said Lucy.

"Yes," said Jonas, "you see, Rollo, this is it. When we *request* any thing, we do not pretend that we have a right to require it to be done. We leave it to the persons whom we ask, to decide ; and, if they decide not to do it, we acquiesce. But when we *demand* any thing, then we can properly insist upon it, and show the persons that we have a claim upon them, and that they ought to comply ; and we are displeased if they do not comply. That's the mistake that boys are always making. They demand when they only have a right to request, and so they get into a quarrel."

Rollo was silent, and began chopping an old post which stood near him, gently, with his hatchet.

"But I think she *ought* to have gone," said he, in a low tone.

"Even if she ought, you had no right to insist upon her going. And I think you had better go yourself."

“Well,” said Rollo, “when I have stuck my hatchet into this post.”

He struck the hatchet once or twice into the top of the post, and at length, when it was fixed there, he turned towards the house; but he saw Lucy running along before him, after the dipper. He met her just as she was coming out with it, and they then walked along very peaceably together. Rollo resolved to be careful after that, and not *demand* where he only had a right to request.

The two children went along together through the gate, and down the lane. When they reached the brook, Rollo helped Lucy across the log which served for a bridge, and then they each took a good drink of water out of their dipper. After this they sauntered slowly along to the place where Rollo intended to clear the land. It was by the side of the brook, pretty level, though there was a high bank all around it beyond. In fact it was a piece of ground which was often overflowed when the brook was high. There were several tall alder bushes scattered over it; and there were large trees growing upon the bank. These large trees overhung and

sheltered the level piece of ground which Rollo had selected for his farm.

"There, this is the place," said Rollo, when he reached the spot. "Isn't it a good place?"

"Why, yes," said Lucy, looking around; "only I thought it would be rather bigger."

"O, this is big enough," said Rollo. "I can plant a great deal of corn here."

The piece of ground was not very large. Perhaps it was twice as large as a common parlor.

Rollo went to work very eagerly, cutting down the alders. He asked Lucy to go and get some dry sticks and some birch bark to make their fire with.

"We can make it of the alders that you are cutting down," replied Lucy.

"No," said Rollo; "we must have some dry wood to begin with. These alders are green, and won't burn very well at first."

Lucy was satisfied with this statement, and immediately went to work collecting dry sticks and birch bark, to kindle the fire. When her little heap was ready, Rollo took some matches out of a tin box which he carried in his pocket, and lighted the fire; and

then he put on the green sticks which he had cut down. In a short time they had quite a good fire.

"I wish we had some apples here, to roast," said Lucy.

"I wish my axe would cut better," said Rollo. He was hacking away at rather a small alder bush, as he said this, and Lucy went up near to him to watch the operation.

"That's a small one," said Lucy; "I should think you could cut off that very easily."

"No," said Rollo; "the small ones are harder to cut down than the large ones."

"O Rollo!" said Lucy.

"They are, truly," replied Rollo; "they spring so much that the hatchet will not go into the wood."

"I'll hold it for you, then," said Lucy; and she took hold of the stem of the alder bush, and tried to hold it steady.

"Pull it over towards you," said Rollo; and at the same time he continued striking with his hatchet into the cleft that he had made.

Lucy pulled the bush over towards herself pretty hard, taking hold of it as high up as

she could reach. In a moment more it snapped off.

“O, that’s the way to get them down,” said Lucy. “I’ll pull the tops down, and you cut them off at the bottom.”

Rollo liked this proposal very much, and, on trying the experiment, they found that it succeeded very well. A very few blows were sufficient to make the stem of an alder bush snap off, when Lucy was pulling the top down towards the ground. But, then, the stems had to be cut up into lengths after they were cut down, in order to go on the fire; and Rollo soon began to be tired of such hard work.

After he had cut down, perhaps, half a dozen of the bushes, and before he had cleared one quarter of his ground, he thought he would stop a little while to rest. So he laid his hatchet down, and came to the fire, and began to punch it with a long pole.

The longer he rested, and the more he played with the fire, the less inclined he was to go to work again; and finally he concluded to play blacksmith’s shop instead of farm. He laid down one of the largest of his sticks of wood for an anvil, and took a small

one in his hand for a hammer. Then he took several other sticks, and put their ends into the fire, calling them his irons, and when they were red hot, as he called it, — that is, when the ends were burned to a bright coal, — he would take them out one by one, and pound them upon his anvil, pretending that he was forging horseshoes for Lucy's horse. The sparks, which flew about during the process, aided his imagination in making a blacksmith's shop out of a fire in the bushes.

In short, Rollo entirely lost sight of his plan of making a farm; and when, at last, the fire had burned nearly out, he and Lucy began to think of going home.

On their way home, they concluded to go round by the spring, to get a drink. Rollo said that the water was cooler and better at the spring. This spring was a very pleasant little place. The water boiled up from under some great rocks. Rollo and Lucy played about the spring for some time, and at length, just as they were ready to come away, Rollo suddenly recollected that there was a bird's nest in the bushes very near, and he asked her to go with him, and see. So they clambered

up a little way upon the rocks, and there they found a small oak tree among a small cluster of beeches, and Rollo pointed out the bird's nest to Lucy's observation.

"O dear me!" said Lucy; "it is too high. I can't look into it."

"O yes," said Rollo, "you can climb up there very easily."

As he said this, down dropped the hatchet, and up Rollo went from branch to branch, until he could look into the nest. In fact, it was not far that he had to climb, for the nest was only a few feet higher than the children's heads; and the branches were so thick and so close to the ground, that Rollo went up at once, and without any difficulty.

But Lucy was afraid to make the attempt. She said she could not climb trees; and she wanted Rollo to take up one of the eggs, and let her see it. Rollo had told her, when he first mentioned the nest, that there were three blue eggs in it.

Rollo had descended half back to the ground again, when Lucy asked him to show her one of the eggs. So he went back to get one. He did not see into the nest when he went up at first, as he was look-

ing towards Lucy all the time, and eagerly telling her how easily she could climb up. But now, when he got up high enough again, he looked into the nest, and suddenly exclaimed,

“O, they’re hatched! they’re hatched! — two monstrous large birds!”

It was true that the birds were really hatched, and had grown almost to their full size; and just at the moment when Rollo had finished his exclamation, the two birds, frightened at such a strange-looking visitor, scrambled out of the nest as fast as possible, and went off towards the ground, fluttering and tumbling heels over head upon the grass.

“O, there they go!” cried out Lucy; “catch ’em! catch ’em!” and she ran after them with all speed.

“Come, Rollo, come and catch ’em!” she cried, as she ran down the bank. Rollo came down from the tree as fast as he could, and followed Lucy. The birds fled, one one way, and the other in another. Of course Lucy could follow only one; and Rollo, when he came down from the tree, had lost sight of both birds, and so he had to follow Lucy. He overtook her just as she had seized the

little fugitive by putting her hands gently upon him, as he lay upon the grass.

They brought the bird home very carefully, and put him in an old basket which they found in the shed. To secure him, they placed a board across upon the top of the basket, and Rollo went and got some crumbs of bread to put in for him to eat.

"I am very glad I have got a bird," said Rollo.

"I don't think it is your bird," said Lucy. "He ought rather to be mine, for I caught him."

"No," said Rollo; "I found the nest, and so he is mine. Besides, if I had not climbed up the tree, we should not have got him at all."

"Well," said Lucy, "you may keep him here to-night, for it is time for me to go home; but I don't give up my right to own half of him."

Lucy went home, and she did not come again to see the bird for several days; and long before that time the little prisoner had put an end to all questions concerning the rights of ownership, by getting out of the basket and flying away. Rollo did not care much, for after one day, he began to get tired of him.

CHAPTER VII.

TESTIMONY.

ABOUT a fortnight after this, Rollo found Jonas one morning standing by a chopping-block, in one corner of the yard, and splitting up a short piece of board into small sticks with an axe.

“What are you making, Jonas?” said Rollo.

“A parcel of little stakes,” said Jonas.

“What are they for?” asked Rollo, as he came up to where Jonas was standing.

Jonas had finished splitting up the board by this time, and he gathered the pieces all together, and laid them in a pile, upon one side of the chopping-block. Then he began to take them up one by one, and sharpen the ends a little.

“They are to measure land with,” said Jonas.

“Measure land with these little stakes?”

said Rollo, taking up one of them, and looking at it. "How do you do it?"

"O, you'll see, if you go with us," said Jonas.

"Us?" repeated Rollo; "who is going with you to measure the land?"

"Your father," said Jonas.

Rollo wanted Jonas to let him sharpen some of the stakes with his hatchet; and, as Jonas said he might, he ran off to get his hatchet from the place where he kept it, which was upon a certain low shelf in the shed. But his hatchet was not there.

"Now, where's my hatchet?" said Rollo, in a complaining tone. "I suppose Nathan has carried it away. I wish I had a place to keep it, where he could not reach."

He ran off after Nathan, being in great haste to get his hatchet before Jonas should have finished sharpening the stakes.

"Nathan," said he, "what have you done with my hatchet?"

"I—I—put it down," said Nathan. He was a little alarmed and confused at being accosted by Rollo in a tone of reproof and displeasure; and he hardly knew what he was saying.

“Where did you put it?” said Rollo.

“I put it, — I, — I believe I gave it to you, — when I had it.”

“No, you didn’t give it to me. You put it down somewhere, I suppose. Come, you must go with me, and show me where you put it.”

Now, Nathan had sometimes taken up Rollo’s hatchet a few minutes, when Rollo had it out in the yard; but he had no particular recollection, at this time, of having had it recently. But, being so suddenly and positively charged, by Rollo, with the responsibility of finding it; and not knowing exactly what to say in self-defence, he walked along towards the shed, Rollo following him, questioning him closely all the way. He, of course, could not give very satisfactory answers; and, after leading Rollo about at random for several minutes, he stood still, and looked down upon the ground, and said timidly, that he *guessed* the hatchet was lost.

Rollo perceived that there was no hope of getting any information out of Nathan, and he went back to find Jonas at the chopping-block. By this time the little stakes were all finished, and Jonas had gathered them up, and

was preparing to go away. At the same moment, Rollo saw his father coming out of the house with the compass and chain. Rollo knew that the instruments were a compass and chain; for he had often seen him use them. He asked his father if he might go with them, and his father said that he should be very glad to have his company. So they all three went along together.

They passed across the road, and went through a gate into a field; and here they went to work to measure the length of the field. Rollo's father took the compass, and fixed it up upon a three-legged stand, which he brought with him. Then he asked Jonas to go down the field with his great stake. Rollo looked and saw that Jonas had a tall stake in his hands, as well as a number of little ones. Jonas laid down his small stakes, and then walked along down the field until he came to the margin of a wood which terminated the field in that direction. Here he stopped, and turned round, and held his stake upright, with the point upon the ground, while Rollo's father looked through the compass sights, to see if he was in the right place.

“I don't believe you can see such a big boy

through such little sights," said Rollo. His father did not answer.

"And I don't believe he can hear you tell him which way to move the stake," he added, "if it is not right."

His father did not answer, but seemed to be attending solely to Jonas and to his compass. In a moment, he stood up, for he had had to stoop a little to look through the compass sights, and waved his hand towards the right. Jonas, who was watching him, saw this gesticulation, and moved the stake towards the right. Mr. Holiday then looked through the sights again, and waved his hand again towards the right; and so Jonas moved his stake still farther along. Then Mr. Holiday, after looking once more, waved his hand towards the left, and Jonas moved his stake back a little way, which made it come exactly right; and Rollo's father then made a gesture downwards with his hand, to indicate that it was in the right spot, and must be driven down. So Jonas drove the stake down, with the axe which he had carried in his hand, and then came back across the field.

"There," said Rollo's father, "we must measure directly towards that stake."

He then counted out ten of Jonas's little stakes, and told Rollo that he might hold them. He then took hold of one end of the chain, and Jonas, when he came up, took the other. Jonas held his end of the chain close to the fence, and Mr. Holiday walked on towards the stake, with his end of the chain, until it was drawn straight upon the ground. Then Rollo gave him one of the little stakes, and he stuck it down in the ground exactly where the end of the chain came. Then he walked along, dragging the chain with him, and Jonas following, until Jonas came to the place where the little stake was; and Jonas applied his end of the chain to the little stake exactly. Then Mr. Holiday took another stake, and drove it down, and Jonas took up the first one; and so they went on until all the ten stakes were used, and had passed into Jonas's hands. For Mr. Holiday put them all down successively at the forward end of the chain, and Jonas took them up, one by one, as fast as his end of the chain came to the places where they were set. And as all the ten had passed into Jonas's hands, it proved that they had measured just ten

chains ; so that the little stakes saved them the trouble of keeping count.

When all the stakes had passed into Jonas's hands, Rollo took them all again, and carried them back to his father ; and so they began upon another ten. Sometimes, where the ground was hard, it was rather difficult for Mr. Holiday to crowd the stakes down ; and Rollo wished very much that he had his hatchet, so that he might drive them down. However, he did not fret and complain about it, for he knew that it would be wrong to interrupt his father and Jonas with his troubles, at such a time. After they had got through their work, Mr. Holiday made a memorandum of the result in his pocket-book, and then told Jonas and Rollo, that they might take the tools and the instruments, and carry them carefully home, for that he himself was going to remain there a little while. So Rollo took the chain and the little stakes, and Jonas took the axe, and they began slowly to return across the field towards the place where the compass had been set.

"I wish you would find my hatchet for me," said Rollo.

“Where did you have it last?” asked Jonas.

“I don’t know; but I know I put it upon the shelf, at any rate.”

“When was it?” said Jonas.

“I don’t know exactly when,” answered Rollo.

Jonas knew by this that Rollo could not remember distinctly that he had put his hatchet upon the shelf; for if he had had any distinct recollection of the fact, he would undoubtedly have remembered something about the time.

“If you could remember where you had it last,” said Jonas, “we could look there, and perhaps we might find it.”

“But I tell you,” said Rollo, positively, “that I put it on my shelf. Can’t you believe what I say?”

“No,” said Jonas, coolly.

Rollo was astonished.

“Sometimes I believe you, and sometimes I don’t; it depends upon which of your faculties it is that I have to trust to.

“My faculties?” said Rollo.

“Yes, it depends upon whether it is your memory, or your judgment, or your imagination.”

“What do you mean by that?” said Rollo.

“Why, I heard a lawyer say in court once,” replied Jonas, “that it was the most difficult thing in the world to know how far to believe men of veracity, — and the difficulty was, to determine whether their assertions were based on their memory, or their judgment, or their imagination.”

“I don’t understand it very well,” said Rollo.

“Well, I will explain it to you then,” answered Jonas. “Suppose a boy of veracity — that is, a boy that would not on any account tell a wilful lie — tells me he saw a man leading a bear along the street by a chain, the day before; I should believe him; for that is a simple matter of fact preserved by his memory, and I believe him. I trust to his memory, — his memory of a simple fact.”

“Well,” said Rollo.

“Well,” repeated Jonas. “But now, if the same boy should tell me that he saw a bear in the woods some day, and that, as soon as he saw him, he ran off as fast as he could, I might not believe him; for his imagination might lead him to suppose that he saw a bear, when, in fact, it was a black stump, or a dog,

or a black sheep. I believe him so far as his memory goes, that is, to the fact of his having seen something black in the woods; but as to its being a bear or not, that may be a matter of imagination."

"And now his *judgment*?" said Rollo.

"Why, suppose he should tell me that he had been down to the pond on some day, and that the ice was strong enough to bear a cart and oxen. Suppose he should be very positive that it was strong enough, and say that he had tried it by cutting it through with a hatchet, and that it was full six inches thick; — perhaps I should not believe him; for if I believed him, you see I should not be trusting to his memory, simply, but to his *judgment*."

"I wish I *could* find my hatchet," said Rollo.

"So you see," continued Jonas, "that when men of veracity are testifying, it is very difficult to know how far to believe them, unless we know which of their faculties it is that we are trusting to."

"Well," said Rollo, "it is my memory; I remember very well that I put my hatchet upon the shelf."

"If I only knew," said Jonas, "that you did

really remember putting it there, when you had it last, I should believe you. But people often think they remember a thing, when they don't really remember it. You have, perhaps, some vague idea in your mind of having put it upon the shelf, at some time or other, and with a little help from the imagination, you convince yourself that it was the last time you used it; and so you say you remember, when, in fact, you only imagine."

By this time they came to where the compass had been set, and Jonas took the instrument off from the stand, and gave the stand to Rollo to carry. He took the instrument himself. As they were passing across the road, Rollo said,

"I remember now, Jonas, that I had the hatchet down by the brook, when I was clearing land with Lucy; but I am sure I brought it up again."

"When was it?" said Jonas.

"About a fortnight ago," said Rollo.

"We had better go down there, and look," said Jonas.

"Well," said Rollo; "but I am sure we shall not find it there."

"Rollo," said Jonas, "do you remember

my driving the stake, down there by the woods?"

"Yes," said Rollo.

"Have you a perfectly clear and distinct recollection of it?" said he.

"Why, yes," said Rollo, "certainly."

"Well, now, have you a recollection, distinct and clear like that, of having brought up your hatchet that day, and put it upon your shelf?"

"Why, no," said Rollo. "It was longer ago."

The boys put away the instruments and tools, and then went down to the brook, and crossed over to the place where Rollo had made his clearing. On their way down, Jonas asked Rollo which way he had come back, and he said he came directly home by the regular path. He was sure he did not go any where else with his hatchet. So they looked along very carefully by the way. Jonas stopped to look around the gates and bars, and by the sides of the logs and stumps, and at other places, where Rollo would be likely to stop; but no hatchet was to be found. They looked all around the clearing; but it was not to be found. Then they re-

traced their steps, looking carefully all the way.

“Are you positive that you came straight home?” said Jonas.

“Yes,” said Rollo, “I am *sure*.”

“Let me see,” said Jonas; “was not that the day that you caught your bird?”

“My bird?” said Rollo, stopping suddenly in the midst of the path. “There, — we did go to the spring. I know where my hatchet is now,” he added; and he turned round and ran off as fast as he could go across a little piece of open ground towards the spring. Jonas hastened after him, and came up with him, just in time to see him clamber up to the foot of the oak tree, which had had the bird’s nest on it; and take up his hatchet from among the grass and herbage. It was covered with dampness and rust.

Jonas did not say, “There, I told you so,” when they found the hatchet. It is very common for a boy to triumph over his playmate when he finds him in the wrong; but Jonas did not do so. Rollo felt ashamed at finding himself mistaken when he had been so positive. He walked along in silence.

At length he said,

"It seems I was mistaken, Jonas, after all."

"Yes," said Jonas, "you thought you remembered, when, in fact, you only imagined."

"Imagined that I remembered?" said Rollo.

"No, that is not what I mean exactly," said Jonas: "you imagined that you came back, and put the hatchet on the shelf. That is, you formed a picture of it in your mind. An imagination and a recollection are very much alike; and we are very apt to mistake one for the other."

Rollo did not understand this metaphysical explanation of his mistake very well; and so he walked along looking at his hatchet.

"At any rate," said he, "I don't see how I am going to get this rust off my hatchet."

"Wear it off," said Jonas.

"How?" asked Rollo.

"O, cut a great deal of wood," said Jonas, "and the rust will gradually disappear; or you can work it off with a polisher."

"What sort of a polisher?" asked Rollo.

"Why, you must take a pretty large stick, and shave one end down, round and smooth,

for a handle. Then cut off the other end in a slanting direction, and the polisher will be done."

"I don't see how I could polish with such a stick as that," said Rollo.

"Why, you must lay your hatchet down upon the platform by the pump, and put some sand and water on it, and then rub it with the slanting surface of your polisher; or you might take any little block of wood, and rub the sand and water on the hatchet with that."

By this time they reached the yard again, and Jonas went to his work. Rollo walked along towards the house, his mind being occupied with two resolutions. The first was, that he would be careful not to mistake imaginings for recollections in future; and the other was, to make a polisher that afternoon, and polish up his hatchet.

CHAPTER VIII.

WARRANTING THE TITLE.

ROLLO and Nathan were very fond of playing horses. Nathan was the horse, and Rollo the driver. They had several whips, which Rollo had made. One morning in June, Rollo was driving Nathan about the yard, and in the alleys of the garden, when suddenly he stopped in a corner of the yard, and said,

“O Nathan, see what a beautiful stick I have found.”

Nathan looked around, and saw Rollo just taking up a slender and smooth white stick, which was lying down upon the grass near a border where their sister Mary had some flowers growing.

“And here’s a string too,” said he, immediately afterwards; and he picked up quite a long string by its side.

“Now we can make another whip,” said Nathan.

“So we can,” said Rollo. “We will.”

They accordingly sat down upon the grass, and Rollo tied the string upon the end of the stick, and so made a rude sort of a whip of it. Then he began to drive Nathan about with his new whip. He did not like it very well for a whip. The stick was square, and so the edges of it hurt his hand; and then the string was too long for a lash. So Rollo untied the string again, and put the stick under a seat in the garden, saying that he meant to keep it to make an arrow of.

“It will make a capital arrow,” said he, “it is so straight and smooth.”

“But you have not got any bow to shoot it with,” said Nathan.

“No,” said Rollo; “but perhaps I shall have a bow some time or other; and besides, at any rate, I should like to have an arrow.”

“Then I wish you would give me the string for reins,” said Nathan.

“Well,” said Rollo, “I will.”

So Rollo gave the string to Nathan for reins, and left the stick under the seat in the garden, where he thought it would be safe; and then they went to playing horses again.

After a while, however, they got tired, and

besides, it was pretty warm ; and so they sat down upon the platform at the back door, considering what to do next. They had not waited long before they heard the gate open, which led towards the barn-yard. They looked around, and saw their cousin James coming in. He had come to play with them that afternoon.

They discussed various plans for amusement, until at length James proposed that they should paint pictures. Rollo had told him, that his sister Mary sometimes gave him some paint and a brush, and let him paint pictures ; and James was very desirous of trying it with him. James said that it was so still and pleasant that they could find some shady place and paint out of doors.

Nathan clapped his hands, and said, " Well," in a tone of great delight at this proposal. He took it for granted that he should paint too. Rollo liked the idea very well, also, and he went into the house to see if Mary would let them have the materials. He was gone a long time. But at length he came back loaded with his implements. He had two white plates, covered with large, round spots of paints of all colors. There was green, and

red, and blue, and pink, and bright yellow ; and brown for the trunks of trees, and red for chimneys ; —and on the bottom of one of the plates were two large spots of blue and yellow, side by side, so that they could mix them together at the border between them, and make green for themselves, of any shade they pleased.

Besides the plates, Rbillo had a number of small pieces of paper, and two or three pencils and brushes, and in fact every thing necessary for their work. The children sat down upon the edge of the platform, for the shadow of the house fell over it in such a way as to make it quite a cool place ; but they could not sit comfortably there, and so, after a little time, they went and asked Jonas if he knew of any good place out of doors for them to paint their pictures in.

“ No,” said Jonas, “ I believe not ; but I can make you a sort of table in a few minutes.”

So Jonas went into the shed, and got a board four or five feet long, and asked Rollo and James to carry it out into the garden. Then he took two short pieces, and sharpened one end of each, and then went out into the





garden too. He proceeded directly towards a seat which was under some trees in a corner of the garden.

“There,” said Jonas, “this seat will do for a table for you, and I will make you a little seat before it, so that you can sit up to it.”

Then he drove down his two short pieces of boards, before the high seat, in such a way that when he laid the long board that Rollo and James had brought, across them, it formed a seat; and the original seat was the table. The children immediately took possession of their new quarters, and seemed much pleased with them. Both the seat and the table were very convenient, and the boys sat painting pictures there for a long time.

At length James happened to think that he had a little picture in his pocket, and he took it out in order to paint it. It was folded and tumbled considerably, from having been carried some time in his pocket; but when it was smoothed out, Rollo thought it was quite a pretty picture. Rollo wanted James to give it to him; but James seemed rather unwilling to part with it, until, after some time, Rollo spied his arrow stick, under the seat, and took it out to show it to James; and after some

conversation, they concluded to exchange. James gave Rollo the picture, and Rollo gave him the stick to pay for it. This arrangement satisfied all parties, and things went on very pleasantly for about half an hour, when the children, to their great joy, saw Mary coming out through the garden gate.

When she came to where the children were sitting, they all began very eagerly to show her their paintings, and to ask her advice and assistance. One wanted to know if his *man* was too high in proportion to his house; and another, if his *green* was of the right color for trees. Nathan wanted her to draw him a horse, and James asked her if she did not think his cart was pretty well done.

After Mary had answered all their questions, and helped them out of all their difficulties, she was standing quietly before them, looking on, when suddenly her eyes fell upon the long, slender stick, which James had laid down upon the ground by his side.

"Ah!" exclaimed she, "there's my geranium stick, now. *You* are the rogue that ran off with it," she said to James, "I suppose. I couldn't think where it was."

She laughed goodnaturedly as she said this ; but James began very seriously and earnestly to disavow having run off with it. He said Rollo gave it to him. "I bought it of him," he said, "with my picture."

"And I found it," said Rollo, "in the corner of the yard ; I did not know it was your geranium stick."

"It is," replied Mary ; "Jonas made it for me to tie my geranium to. And I got my string all ready."

"Yes," said Rollo, "here is the string, I suppose ;" and he drew out the long string from his pocket and gave it to Mary.

So Mary took her stick and string, and went away to tie up her geranium.

After she had gone, James said,

"Well, now, Rollo, you must give me back my picture."

But Rollo objected to this. He said it was a fair bargain.

"But the stick was not yours," said James.

"Well, I thought it was, truly," said Rollo.

"No matter if you did think so : since it turns out that it was not yours, you ought to give me back my picture."

"Why, no," said Rollo. "To be sure, you have lost the stick, and so I might have lost my picture. When people sell things, those who buy them, if they lose them, can't go back and get their money."

James did not know exactly how to reply to this reason, but he was not satisfied with it; and after discussing the question for some time, the boys concluded to go and refer it to Jonas; and they both agreed to abide by his decision.

Jonas listened to the case very attentively. At first both the boys began talking together, each trying to get Jonas to decide in his favor. But Jonas stopped them, and made them talk one at a time.

"Which is the plaintiff?" said he.

"The plaintiff?" asked Rollo.

"Yes; that is, which is it claims something of the other?"

"I claim the picture," said Rollo.

"And I think it is mine," added James.

"Which of you has got it now?" asked Jonas.

"Rollo," said James.

"And you want him to give it to you."

"Yes," answered James.

“Then you are the plaintiff. We always hear the plaintiff’s story first, and afterwards the defendant’s.”

“Am I the defendant?” said Rollo.

“Yes,” said Jonas. “He makes a claim against you, and you defend yourself from it; so he is the plaintiff, and you are the defendant.”

Jonas accordingly let James tell the story; and then he let Rollo say what he had to say, in reply. After they had both done speaking, he reflected a moment, and then said,

“The amount of it is, that you sold him an arrow stick, Rollo; and it afterwards turned out that your title was not good.”

“My title?” repeated Rollo, not exactly understanding what Jonas meant by title.

“Yes; that is, your right to it. The right which a man has to his property is called his *title* to it. When he has not a good right, we say his title is not good. Now, the question seems to be this—if a man sells any thing to another man, which was not really his, and the real owner comes for it afterwards, and takes it away from the man that bought it, can he go to the man that sold it to him, and demand his money back again?”

“Yes,” said Rollo; “that is it, exactly.”

“Well, now, men,” said Jonas, “have two ways of selling things. Sometimes it is part of the agreement and bargain, that the seller’s title *is* good; and then if it afterwards turns out that it is not, he has to pay back the money. And sometimes the seller says he don’t say whether his title is good or not; he sells it as it is, and lets the purchaser take the risk. That is called a *quitclaim*. You see he quits and gives up all claim he has, but does not warrant that somebody else may not have a claim.

“For instance,” continued Jonas, at the same time putting his hand into his pocket, and taking out an old, rusty jackknife; “there is a knife, which I picked up in the road, a good while ago, and I don’t know whose it is. Now, you might offer me an apple for it, and I might say I would give you a quitclaim, for the apple, but not a warranty; that is, I would give you all *my* right and title to it; and then *I* never could take it back again; but if the true owner should ever appear, you would have to give it to him, and you could not call upon me to give you back

the apple ; because I only gave you a quitclaim.

“ But then, on the other hand, if you had told me, when I offered to sell you the knife, that perhaps the real owner would appear, and if I had said that I would run the risk of that, and would *warrant my title*, then, if, after that, the real owner should appear, and claim the knife, you would have to give it up to him, it is true ; but you could come back to me and demand the apple which you paid for it, or something else equally valuable.”

“ Well,” said Rollo, “ I did not warrant my title to the arrow stick.”

“ No,” replied Jonas ; “ I suppose you did not say any thing about it, whether you gave him a warranty, or a quitclaim. In selling houses and lands, men are always very careful to state in the writings, whether they give a warranty or only a quitclaim. The writing is called a *deed* ; and so there are warranty deeds and quitclaim deeds. If you buy a house, and take a warranty deed, and afterwards some other man comes and proves that the house was his, you can go to the man that sold it to you, and get your money again ; but

if you only had a *quitclaim* deed, then you cannot get your money again."

"Then I should rather have a warranty deed," said Rollo.

"Certainly," said Jonas; "every body would. And now for your case. In regard to movable property, which is sold without any deed, people generally say nothing about warranty or quitclaim; but the law is, that the warranty is *implied*."

"That is, understood," said Rollo.

"Yes," said Jonas. "If you should go to a store and buy a shovel, and afterwards it should turn out that the shovel did not belong to the storekeeper, but was only left there by somebody, you could go and call upon the storekeeper to pay you back the money; unless he told you at the time, that he was not sure the shovel was his, and that he would not warrant the title. Now, did you tell James, when you let him have the arrow stick, that it was one which you found, and that you only gave up your right and title to it."

"No, I did not," said Rollo.

"Then," said Jonas, "you in fact warrant-

ed your title ; and of course now you ought to give him back the picture."

Rollo perceived the justice of this decision, and gave James his picture, determining in his own mind that he never would warrant his title again, unless he was sure it was a good one.

The boys were then turning away slowly, to go back to their work, when Nathan, who had been standing very quietly by, listening attentively, and trying to understand what was said, concluded that, as the case went against Rollo, he had better put in his claim ; and so he said in a timid voice,

"And I think you ought to give me another string too."

Rollo stopped, and turned around, when he heard this new claim. He was, it is true, quite sorry to lose his picture, but since that was gone, he thought he might just as well do his work thoroughly, and compensate Nathan for the loss of his string too, if the principles of justice required it. But Jonas thought that he was not bound to pay Nathan for the string.

"Why not?" said Rollo ; "what difference is there in the two cases?"

“Why, you know I told you that I thought the warranty in such bargains was implied, unless it was understood and agreed that you give only a quitclaim.”

“Well,” said Rollo.

“Well,” repeated Jonas. “Now, it is not necessary that you say, in words, that you give a quitclaim. The circumstances of the case may show it.”

“What circumstances?” asked Rollo.

“There are two circumstances,” said Jonas, “which make your giving the string to Nathan different from your giving the stick to James. One is, that Nathan was with you, when you found the string; and he knew, therefore, exactly how you came by it, and what your title was. The other is, you gave it to him without receiving any thing in return; that is, without any consideration; and I think, therefore, that your conveyance of it ought to be considered a quitclaim. But I don’t know certainly,” added Jonas. “I mean to ask your uncle some time.”

And then, after a moment’s pause, during which he seemed to be thinking, he added,

“Suppose two men were walking along the road, and should find a watch. They agree

that, if no owner appears to claim it, it will belong to them in common; for they were both together when they found it. One of the men is a farmer, who lives close by, and the other is a traveller, who wants to go on, on his journey. So the traveller agrees to sell his share of the watch for five dollars, and he takes the money and goes away. But after a time, the real owner of the watch comes and claims it, and the farmer gives it up. Now, the question is, Can he go to the traveller, if he can find him, and get back his five dollars?"

"No," said Rollo.

"Yes," said James.

"Yes," said Nathan. Nathan did not understand any thing about the case, but he heard the other boys answering, yes and no, and so he thought he would answer too.

"I am not certain," said Jonas, "whether he could or not. I mean to ask your uncle about it. And with that he resumed his work, and the boys went back to their play. Nathan, who perceived that the case was decided against him, but who understood nothing of the reasons, murmured, as he went along,

"I don't see why I can't have another string for reins."

CHAPTER IX.

T E N U R E .

ROLLO was accustomed to go with Jonas after the cow, about sunset, every evening. One evening, about this time, they went as usual; but, when they reached the pasture, they could not find her. They looked all over the pasture in vain—in the openings, by the spring, along the brook, and every where among the trees and bushes. At last they found a place, at the back side of the pasture, where the fence was broken down. They went through, and came soon to a wild sort of road, where they met a boy. The boy told them that some strange cattle had broken into the pasture, and that the cow they were looking for had gone off with them.

“How long ago was it?” said Jonas.

“O, it was in the middle of the forenoon,” said the boy.

“Then it is of no use for us to go after her to-night,” said Jonas.

“O yes,” replied Rollo; “we can go a little farther; it is not dark yet.”

“It will be before we get home,” said Jonas.

“But I want to see where this strange-looking road leads to,” replied Rollo.

“Yes, yes,” said Jonas; “I thought you had some less disinterested motive than zeal to find the cow. But we shall have to put it off until to-morrow morning.”

So the boys both came home; and Rollo went in and told his father that the cow had got into bad company, and run away.

The next morning, immediately after breakfast, Jonas fitted out an expedition to go in pursuit of her. Rollo had previously obtained his father's consent that he should accompany him. Jonas put some cheese into a paper, and put the paper into a small tin dipper. Then he put a small loaf of bread with the dipper, and rolled them all up together in a white napkin, which Dorothy gave him. He then put the whole in a bag, which he carried upon his arm. Thus they set out upon their travels.

“How far do you think we shall have to go?” asked Rollo.

“O, I don’t know,” said Jonas. “We may find the cow in an hour, or we may be gone all day.”

“I hope we shall not find her in an hour,” said Rollo.

“I think it likely you’ll have travel enough,” said Jonas, “before we get back.”

“Well, now, Jonas,” resumed Rollo, after they had walked along a little way down the lane, “I wish you would tell me a good long story. We shall have plenty of time.”

“I’d rather give you a lecture, — a lecture on law,” replied Jonas.

“Seems to me I should rather hear a story,” replied Rollo.

“But the lecture would be more useful than a story ; and, besides, perhaps I can intersperse it with stories.”

“Intersperse ? ” inquired Rollo.

“Yes,” answered Jonas, “bring stories in, here and there.”

“Well,” said Rollo, “I should like that.”

“The subject of my lecture shall be *tenure*,” said Jonas.

“Tenure ? ” repeated Rollo ; “what is tenure ? ”

“Why, tenure,” said Jonas, “is the kind

of right which a man has to the property he holds."

"I should not think there would be but one kind of right," said Rollo.

"Yes," said Jonas, "there are several different kinds of tenure. — O, what a beautiful stick for a cane!" he exclaimed suddenly, at the same time turning aside from the path towards some little trees.

Rollo looked and saw Jonas take out his knife, and begin to cut down a small and slender, but straight young beech tree, which was growing up in the midst of a little copse of trees. Trees that grow up in the open ground generally branch out a great deal, so as to spread laterally, that is, on every side; but when they grow in copses or in the woods, the sun and air are in a great measure excluded from the sides, and so they shoot upwards, tall and slender. It was so with this little beech; and, accordingly, when it was cut down, it made a very fine cane. The bark was mottled beautifully.

"O Jonas," said Rollo, "give it to me."

"No," said Jonas; "I want to carry it home, and finish it up, some evening, and varnish it; but you may have it for this walk."

He accordingly cut it off, at the right length, and smoothed the head where it would come into contact with the hand, and then gave it to Rollo, to use as a staff. They then returned to the path, and resumed their walk.

“For instance,” continued Jonas, returning to the subject of tenure; “suppose there are two houses just alike.”

“They could not be *exactly* alike,” said Rollo.

“That makes no difference,” said Jonas; “we can suppose them to be; and one man buys one of them, and another man *hires* the other, for three years. Now, both men can take possession of their houses, and move in, and hold possession of them against every body.”

“Against every body?” said Rollo. “What do you mean by that?”

“Why, that nobody has any right to come and make them go away.”

“I should not think the man that hired the house could keep it,” said Rollo; “for the man he hired it of could come and say he wanted it.”

“No, he could not,” said Jonas; “that is, not till the three years are out. If he hired it

for three years, his right to it for that time is just as good as if he had bought it."

Rollo did not answer; he saw that it was reasonable that this should be so.

"So you see," added Jonas, "that the two men would both hold their houses, but they would hold them by different tenures. I believe *tenure* means *holding*, or something like that."

"The man that hired the house would hold it for three years."

"Yes," said Jonas; "and so he would be what they call a tenant for years."

"Yes," said Rollo.

"And the other man," said Jonas, "would hold his forever."

"O no, not forever," said Rollo; "for he would only hold it as long as he lived. He would be tenant for life."

"More than that," said Jonas, "for he could direct who should have it after his death."

"He could not keep it himself," said Rollo.

"No, but his right extends beyond the time of his life," said Jonas; "that is clear, because he can direct the disposal of it."

“And is he tenant forever?” said Rollo.

“No,” said Jonas, “they call that *tenant in fee simple*.”

“In *fee simple*?” repeated Rollo. “What does that mean?”

“I don’t know exactly what the words mean,” said Jonas; “it is a kind of a law phrase.”

“I should think they might have a better phrase than that,” said Rollo.

“Sometimes they call it *tenant in fee*,” said Jonas. “Now, nobody has a right to the absolute disposal of any property unless he is tenant in fee.”

“Is there any other kind of tenant?” said Rollo.

“Yes,” said Jonas, “there is tenant at will.”

“What is that?” said Rollo.

“Why, suppose a man should hire a house, and agree with the owner that he would move out of it, and give it up, whenever he wanted him to. Then he would be tenant at will. That is a very uncertain kind of tenure.”

“The best is the fee,” said Rollo.

“Yes,” said Jonas, “that is the most complete.”

“I mean to own my things in fee,” said Rollo.

“People can’t always decide how they will own their things; boys, especially, cannot. In regard to almost all their things, they are only tenants at will, and their fathers hold the fee.”

“Do they?” said Rollo.

“Yes,” replied Jonas; “take your hat, for example. You call it yours; but it is, in fact, your father’s property. You are a sort of tenant at will; but you have not the right of disposal of it at all. But he, on the other hand, has the right to come and take it, and give it away or sell it, or do what he pleases with it, without saying any thing to you at all.”

“Then I don’t see but that it is his hat, and not mine,” said Rollo; and he laughed aloud at the idea of his father’s owning such a little hat.

“It is his and it is yours too,” said Jonas. “That is, you hold it by a particular tenure, but the fee is in him. At any rate, it would be so if it was a house or land; but, now I think of it, I never heard them speak about

the different kinds of tenure, unless the property was like houses and lands."

"And am I only tenant at will, about all my playthings?"

"That is all," said Jonas, "if the playthings have any money value. You have no right to alienate them without your father's consent."

"How alienate them?" asked Rollo.

"Why, give them away, or sell them," said Jonas, "or part with them in any way."

"Sometimes I do give away my playthings," said Rollo.

"Do you?" said Jonas.

"Yes," said Rollo; "I gave James my little slate the other day."

"Without asking your father or mother?" said Jonas.

"Yes," said Rollo.

"Then I don't think you did right."

"Why, mother gave me the slate a great while ago, and so it was mine, and I thought I could do what I pleased with it."

"It was yours," said Jonas, "I allow, but not by such a tenure as entitled you to alienate it. There is my cane, now; it is yours until we get back from the walk, but still you have no right to give it away."

"I wish you would give it to me for my own," said Rollo.

"A cane would not be so good for you as a pikestaff," said Jonas. "I'll cut you a pikestaff, when I find a good place; or a vaulting pole; — you can call it a vaulting pole, if you choose," he added.

"A vaulting pole?" said Rollo.

"Yes," said Jonas, "to leap over brooks and ditches with. Such a pole is very useful for various purposes, for a boy."

"What purposes?" asked Rollo.

"Why, if it is light, and not too large, it answers for a walking staff, especially when you are climbing up mountains and high hills. Then you can use it by the water, to push your boats about with, or fish out any thing which is floating there."

"How?" said Rollo.

"Why, you see," replied Jonas, "I should put a small spike into the end of it, and sharpen it; and so you could stick it into a board or plank floating in the water, and pull it to the shore. Then you can leap with it over small brooks and puddles of water."

"O yes," said Rollo, "I know how. Well Jonas, I wish you would make me one."

Jonas said that when he came to a part of the woods where there was the right kind of growth, he would cut one for him.

By this time, the boys had passed through the pasture, and arrived at the gap in the fence where the cows had passed through. They went on into the wild-looking road, and Rollo was much pleased to hear the birds singing in the woods on each side. Once he saw a squirrel running across the road. He ran after him to see where he went; but he disappeared somewhere about an old log. Rollo asked Jonas if he could not cut him his vaulting pole there; but Jonas said the trees were all too large and clumsy.

“Could not you cut a branch?” said Rollo.

“No,” said Jonas; “branches won’t do; they are not of the right form; they all curve upwards, and so would not be straight.”

So the boys walked on, down a long descent, and at the bottom they crossed a brook. Just beyond the brook was a sort of cart-path leading off among the trees. Jonas hesitated whether to take that road or not; but presently he heard a sound like that of an axe in the woods in that direction, and so he concluded to go on and inquire. They accordingly en-

tered the cart-path, following the sound of the axe until at length they came in sight of a man cutting down some trees. He told them he saw some cattle feeding in an opening, down that road about half a mile, when he came along that morning. So Jonas concluded to go on and see if their cow was not among them.

The road kept pretty near the bank of the brook, and Rollo could hear the water running over the rocks, as they walked along. At length Jonas found a good place, on the margin of the brook, to cut Rollo's vaulting pole. It was where a large number of tall and slender maples grew close together. Jonas selected one of about the right size for Rollo, and cut it off. While he was trimming off the top, Rollo said he wished that he had a little one for Thanny. Jonas said he could very easily cut one. While he was cutting Nathan's pole, Rollo thought that James would want one too. So Jonas cut one for James also. They hid James's and Nathan's under a log, intending to leave them until they came back, and then Rollo proposed that they should eat their luncheon, as this was a good place, and there was plenty of water to drink in the brook.

At length they went on to the opening. Here they found the lost cow, feeding quietly in a herd of other cattle. She was somewhat unwilling to leave her good company; but the sight of Rollo's long pikestaff appeared to convince her that resistance would be vain; and so the boys soon had her on the way home. They remembered to take up the pikestaffs from under the log, where they had hid them, though Rollo soon got tired of carrying them, and so Jonas took them for him; he wanted to be leaping about with his own.

A few days afterwards Jonas peeled and smoothed the three pikestaffs, and put spikes into the ends of them, and all three boys were very much pleased with them indeed. The day that Rollo went over to carry James his pole, he told his uncle what Jonas had said about the tenure of property. His uncle said that Jonas's law was on the whole pretty good; but he said that a child's title to his playthings was not exactly what in law is called a tenancy at will, though it was in many respects very analogous to it. Still Rollo could not understand his uncle's explanations very well. He was undoubtedly much more correct than Jonas, though not quite so intelligible.

CHAPTER X.

N O I S E .

WHEN Rollo's father came home at night, after he had been away during the day, and sat down in his rocking-chair by the side of the fire, reading his newspaper or thinking about his business, he always wanted to have the room still. He was sitting thus, one evening in October, just before tea, and Rollo was upon a cricket near the back side of the room, looking at the pictures in one of his old picture-books, when the door opened, and Nathan came in. He walked along towards Rollo, and began to look over his shoulder at the picture in his book.

But Rollo had by this time done looking at the picture, and he concluded to have a little frolic with Nathan. So he shut up the book, and said,

"Ah! here comes a thief and a robber. Let me get my thumb ready, and then I'll punch him."

As he said this, he began to fumble with his thumb, pretending to be doing something to it with his other hand, and making believe that he was in a great hurry to get it ready. His real object was to give Nathan time to get away a little. So Nathan scampered away, and then immediately afterwards Rollo started in pursuit of him, brandishing his thumb, and calling out, "Stop that robber! Stop that robber!"

The table was set for supper, and Nathan ran around it. Rollo pursued him first this way, and then that, but still taking good care not to catch him; the room was filled with Nathan's shouts of laughter.

"Boys," said Rollo's father, who was reading his newspaper by the side of the fire, "do not make such a noise."

"Why, father, it is Nathan," said Rollo.

"Well, Rollo makes me," said Nathan.

Their father did not reply, but went on reading.

It was not long, however, before the boys got again engaged in their play, and were as noisy as before.

"Rollo," said Mr. Holiday, at length, raising his eyes from his paper, "I want you to

sit down upon the carpet, by mother's work-table ; and Nathan may sit upon the cricket."

The boys understood that this was a sort of imprisonment for them, as a punishment for again making a noise. So they went silently to their respective places, and sat still.

Mr. Holiday then read on quietly, for about five minutes ; and then he looked up again, and said, "Boys, you are free."

They both got up at once, and Rollo went towards the cricket where Nathan was sitting.

"Nathan," said he, "we won't play robber any more ; we'll sit down here on this cricket and be still."

"Well," said Nathan, in a low voice, "what shall we do ?"

"I will teach you how to count. You shall count your fingers."

"O, I can count," said Nathan.

"Can you ?" said Rollo.

"Yes," answered Nathan ; and he held up the fingers of one hand, and began counting them, touching them successively with the forefinger of the other.

"One, four, six, three — eh —"

Here he paused a moment, and looked up, and said, "I can't count any farther."

Rollo laughed aloud, and then immediately clapped his hand to his mouth, to stop the sound.

"That isn't the way to count," said Rollo.

"Isn't it?" said Nathan.

Just then the supper came in, and Rollo and Nathan ran to their places. After supper, their father sat down again in the corner, and called the boys to him, and took them up, one on each knee, to have a talk with them.

"Now tell us a story," said Rollo.

"No," said his father, "I will give you a lecture on intellectual philosophy."

"Well," said Nathan, in a tone of satisfaction.

"Intellectual philosophy," said Mr. Holiday, "is the science of human nature. The subject of my lecture this evening," he continued, very gravely, "is one particular trait of human nature, which is very curious."

"What do you mean by that?" said Nathan, and "What is it?" asked Rollo, both at the same time.

"It is this," said their father; "the change which takes place in us as we grow older, in respect to the effect which sounds have upon us."

"How?" said Rollo.

“Infants are pleased with sounds of any kind. So people try to amuse them by chirping to them, or rapping on the window, or saying, ‘Dum, dum,’ in their ears. I think it probable that there is no sound so disagreeable, but that an infant would be pleased with it.”

“Would he?” said Rollo.

“Why, if you were to take the shovel, and scrape it up and down against the back of the chimney, so as to make a rough, grating sound, it would produce a very unpleasant effect upon your ear or mine; but I think it likely an infant would listen to it for half an hour at a time, with great pleasure.”

“I wish you’d try it,” said Rollo, looking around for the shovel.

“Yes,” said Nathan, “do, father, do.”

“No,” said his father; “sit still, and hear what more I have to say.”

“As children grow older, noise seems to lose a little of its charm: still they are very fond of it. They like loud shouts, and laughter, and noisy plays; and the playthings that please them most are rattles, trumpets, drums, and images that will squeak, or bark, or whistle. A boy is delighted with firing off little guns, and throwing stones against a building; or, if he is

walking along an open fence, he draws a stick along the palisades to hear the rattling.

“As the boy grows up to be a man, his love for noise gradually diminishes. He begins to love stillness, and always prefers it, unless there is some peculiar source of pleasure in the sounds he hears, as in the harmony of music, the associations connected with the sound of cannon, or the feelings of grandeur awakened by the roaring of the sea, or of the tempest, or by peals of thunder.”

“*I am afraid when it thunders,*” said Rollo.

“As men grow older and older,” continued his father, “they become more and more averse to sounds, and like stillness and quiet; so that, at last, when a man is advanced in age, one of the highest enjoyments he can possess, is to sit down quietly in the chimney corner, and have sounds hushed, and every thing quiet and still; whereas a child would be most pleased by having half-a-dozen boys take shovel and tongs, and tin pans, and whistles, trumpets, and drums, and march around the room, banging them together, and making all the noise possible.”

“O father,” said Rollo, “I wish I could try it.”

“No,” said his father ; “but I will give you a little specimen of the different tastes of men and boys in this respect.

“First,” said he, “we will make a noise to show you what boys like. We will play that you and Nathan are lions and tigers come to devour me, and I will have the shovel and tongs to frighten you off. So you can roar and growl, and I will bang the shovel and tongs together.”

The boys were much delighted with the idea of this experiment, and they jumped down, and began at once to growl. Their father took the shovel and tongs, and began to call out, as if in great terror, that the lions were after him ; and to call his dogs, and then to bark and rattle his shovel and tongs together, while the boys filled the room with growlings, howlings, roarings, and shouts of laughter. In the midst of the scene, their mother came hurrying in from the kitchen, wondering what was the matter.

In a few minutes, Mr. Holiday stopped, put down the shovel and tongs, and took his seat, though the lions kept pressing around him, still roaring. In fact, they were so delighted with the play that it was rather difficult to

turn them back again to boys. They, however, at length ceased, and their father took them up in his lap again, and said,

“There, now, that is very pleasant to children, but it would not be so to grown people.”

“Why, mother looked pleased,” said Rollo.

“Yes, she was pleased to witness your pleasure; but she would not like such a noise on its own account. But, now, as we have had a specimen of noise, we will next try a specimen of silence. We will all sit perfectly still for several minutes, and you can observe how silence sounds.”

“Silence *sounds*?” said Rollo; “that’s a contradiction.”

“Yes,” said his father, “it seems to be a contradiction in words; but you will observe that perfect silence produces a peculiar effect upon the ear, accustomed to continual noises, which I call the sound of silence. Hark and hear it.”

So the boys sat perfectly still in their father’s lap, for a few minutes, and the room was perfectly still, except a faint and almost imperceptible singing of the fire.

“There,” said their father, after a considerable pause, “that is what men like.”

“Well,” said Rollo, “I like it well enough too.”

“Not a great deal of it,” said his father.

“Why, I like to make a noise sometimes,” said Rollo.

“Yes,” said his father, “and the object I have had in this long talk with you, is to come to this result — that there is an irreconcilable difference of taste between grown people and children in respect to noise. It gives children pleasure, and men pain. The inference is, that when children want to enjoy the pleasure of a noise, they must do it by themselves, out of doors, or in a remote part of the house, where there are no grown persons present to be troubled by it; and never in the parlor, when the family come together at the close of the day.

“And now, Nathan, as you have been a good boy, and have sat still while I have been talking, I must tell you a story, I suppose.”

“Yes, father,” said Nathan.

“Well,” said his father, “I will tell you one of old Mr. Forgetful’s stories.”

“Old Mr. Forgetful?” asked Rollo.

“Yes,” replied his father. “Old Mr. For-

getful was an old man, and he had lost his memory, and so he could not always think of what he wanted to say; so that when he used to tell stories to his boy Jack, Jack used to have to help him along."

"How?" said Rollo.

"You'll see," replied his father; "but you must not ask so many questions; I am talking to Nathan now.

"So, one morning, Nathan, old Mr. Forgetful began to tell his boy a story, thus:—

"Once there was a boy, and, as it was a pleasant day, he thought he would go out and take a ———, a ———,"

Here Rollo's father said "a ———, a ———," in a hesitating manner, as if he could not remember what word came next.

"A walk, I suppose," said Rollo.

"O yes, a walk, a walk," said his father. "Well, he put on his hat, and opened the ———, the ———"

"Door," said Rollo.

"Yes, door," said his father; "but you must not tell me," he continued; "you must let Nathan. This story is for him."

"Door," said Nathan.

"Yes, door," added his father. "He heard a singing in a tree, and he looked up, and saw a ——, a ——"

"Bird?" said Nathan, interrogatively.

"Yes, bird — bird. He thought he would climb up, and see if he could not find her ——, her ——"

"Nest?" said Nathan.

"Nest — yes, nest. Well, he found it very hard to climb at first, for the tree was covered all over with rough ——"

"Bark?" said Rollo. "O, I forgot," said he, immediately after. "I did not mean to tell."

"Bark?" said Nathan.

"Yes, rough bark," continued his father. "But after a while, he got up so high, that he could reach the ——, the ——"

"Bird's nest?" said Nathan.

"No, the ——, the ——"

"Branches?"

"Yes, branches, branches; that's it. Well, when he got up to the branches, he could climb very easily. He went up higher and higher, and looked all around; and by and by he saw the nest, away up almost to the ——, to the ——"

"Top?"

“Yes, top. So he kept climbing on; and at last he got up so high, that he could look into the nest, and there he saw three ——, three ——”

“Eggs?” said Nathan.

“No, not eggs,” said his father. “Three little ——, little ——”

“Birds?” said Nathan.

“Birds — O yes, birds. They were so small that they had not any ——, any ——”

“Feathers?”

“Feathers; and when they saw him, they opened their ——, their ——”

“Mouths?”

“Yes, mouths; because they thought it was the old bird, coming to bring them something to ——, to ——”

“Eat?”

“Yes, to eat. So the boy looked at the birds a little while, and then came down the tree gently, and went home.

“There,” said his father, “that is the way old Mr. Forgetful used to tell stories; and that is all I can tell you now. So jump down, and run away; and remember my lecture on noise.”

"You said it was on intellectual philosophy," remarked Rollo.

"True ; and it was so, in some sense, as it was not on the physical characters of noise, but on its effects upon the human mind."

"I don't understand," said Rollo.

"No matter ; I cannot say any more now. So go away."

The boys accordingly went away, and left their father to finish reading his paper.

CHAPTER XI.

POSSESSION.

ROLLO and Nathan had a dispute about an apple. It was one of two apples which they got in rather a singular way. It was as follows:—

One afternoon, they went to take a walk. They rambled along the road for some time, until they came to a place where a brook ran across the road under the shade of some trees. Here they sat down upon the bank of the brook, and amused themselves for a little while, looking into the water.

There were several little fishes swimming in a deep place in the water, among some stones. There was also a large butterfly, black and yellow, upon the wet ground close to the brook. Nathan watched the fishes, and Rollo watched the butterfly.

They were sitting pretty near the fence. There was a bridge across the brook for people to drive over upon; and, between the place where they were sitting and the bridge, there

was a shallow place in the water, with a sandy bottom, where people used to come down with their horses, to let them drink.

While Rollo and Nathan were sitting upon the bank, they heard a noise of wheels; and, looking up, they saw a wagon coming. It was a small wagon, with one horse. The man drove the horse down into the brook, to water him. Nathan was afraid that the horse would drink up the little fishes, but he did not say any thing. Both he and Rollo looked on in silence while the horse drank.

Presently the man looked up, and saw them.

“What are you doing there, you lazy boys?” said he, in an ill-humored tone.

The boys did not answer. They were both a little frightened at being accosted so ungraciously by a stranger.

Presently the man drew up his reins, and drove on. The butterfly had been frightened away, and even the fishes had disappeared; and so, in a minute or two, Rollo and Nathan got up to continue their walk.

As Rollo arose from his seat, his eye suddenly fell upon a whip, lying in the roadway which led up from the watering-place

“Ah,” said he, “that man has dropped his whip.”

He ran and picked it up.

“I’ve a great mind not to give it to him,” said he, “because he called us lazy boys.

“Yes I will, too,” he continued, after a moment’s hesitation. And then, taking Nathan by the hand, he began to run, calling out, at the same time,

“You’ve lost your whip, sir; you’ve lost your whip.”

But the man had reached the level ground above the ascent which led from the brook, before Rollo began to call to him; and, as his horse had begun to trot, the wheels of the wagon made such a noise, that he could not hear Rollo calling.

“Run, Nathan,” said Rollo, pulling Nathan along; “run faster.”

“I can’t run any faster,” said Nathan.

In fact, Nathan was doing his utmost to keep up with Rollo; but, although the horse was not trotting very fast, Rollo soon found that he was not gaining upon the man at all.

“Nathan,” said he, at length, “you wait here, and let me go and catch him alone; and then I will come back for you.”

So he let go of Nathan's hand, and ran on alone. He could now go much faster. He soon came up very near the man, shouting aloud,

"Stop, sir! stop! you have lost your whip."

The man stopped and took his whip. He told Rollo that he was very much obliged to him for bringing him his whip; and then he reached over to the back of his wagon, and took two large, rosy apples from a box there, and gave them to Rollo. He said that one was for him, and one for the little boy who was with him.

Rollo took the apples, and came back to Nathan. They were both very much pleased with the apples, and determined to carry them home. They kept them several days, until at length they forgot that they had them.

It happened, however, after four or five days, that, as the two boys were playing together in the shed, Nathan brought out his basket of blocks; and when he turned it over, to pour out the blocks, out came one of the apples from among them, and rolled along the plank flooring.

"Ah," said Rollo, "there is one of our apples. I verily believe it is mine."

"No," said Nathan, "it is mine."

Nathan took up the apple, and held it behind him, so that Rollo should not take it.

"Let me see it, Nathan," said Rollo; "I want to look at it. I can tell in a minute if it is mine."

"No," said Nathan, still holding the apple behind him, and retreating backwards.

"I will give it right back to you again," said he.

"Will you?" said Nathan.

So Nathan handed Rollo the apple; and Rollo, taking it in his hand, examined it very attentively.

"Yes, Nathan, this is mine. I am very sure it is mine. I remember these rosy streaks upon it."

"No," said Nathan, "it is not yours; and you must give it back to me."

Nathan held out his hand for it, but Rollo did not seem inclined to give it up.

"You promised me that you would give it back," said Nathan.

"Yes, but I meant, if it was not mine; and it is mine, I am sure."

After a little reflection, however, Rollo concluded that he ought to give Nathan

back the apple, for the present, and go and appeal to Jonas to decide the question finally. He accordingly led Nathan along out into the yard, to find Jonas.

Jonas was at work in the garden.

"Jonas," said Rollo, as they came to the place, "Nathan will not give me my apple."

Nathan said nothing, but stood at a little distance, holding the apple behind his back.

"Let us hear the whole story," said Jonas.

"Well, the other day," said Rollo, "a man gave Nathan and me an apple apiece; and I suppose Nathan has eaten his, and this is mine."

"What makes you think this is yours?" asked Jonas.

"Because," said Rollo, "it looks exactly like mine."

"And what makes you think it is yours, Nathan?" continued Jonas.

"Because it *is* mine, I know," said Nathan, very positively.

"Why, this is a hard case," said Jonas, looking perplexed. "There does not seem to be any evidence on either side."

At length, after a pause, he asked how Nathan came to have the apple.

“Why, I found it in my basket,” said Nathan.

“But I think it must have got into his basket somehow accidentally,” said Rollo; “for I am sure it is mine.”

“No,” replied Nathan, equally positively. “I put it in my basket myself, and I know it is mine.”

Jonas paused a moment after he had heard these contradictory assertions, and leaned upon his hoe. At length he announced his decision as follows:—

“It is pretty clear, I think, that Nathan is entitled to the apple. We find it in his possession; and nobody has a right to disturb any one in the possession of property, unless they can show clearly a superior title to it.”

“But it was not in his possession,” said Rollo. “It was only in his basket.”

“Well,” replied Jonas, “that is his possession. No matter if he had not seen it, or touched it, for a week, or a month; still, if it was in his box, or in any place which was under his control, and the repository of his property, then it was in his possession; and you have no right to take it out of his possession, unless you have good proof of a better title to it.”

"Well, I *have* good proof," said Rollo.

"What is the proof?"

"Why, I remember that it is mine."

"How long is it since you saw it?"

"O, only four or five days ago."

"Well, your memory, in regard to the form and color of an apple, is not sufficient proof of its identity."

"Identity," said Rollo. "What is *identity*?"

"Identity is *sameness*," said Jonas. "I mean that your recollection is not sufficient proof that this apple is the very same one which the man gave you, and not the one which he gave Nathan. Possession is nine points of the law. You can't disturb it without better proof than that."

Jonas was right in his decision; for the apple was really Nathan's. Rollo's was all the time safe in his mother's china closet, on a high shelf. He had left it in a chair, and his mother had put it up there, and so it was forgotten. He found it, however, the next day.

CHAPTER XII.

THE RIDE TO MILL.

VERY soon after this, Jonas and Rollo were going to mill together in the wagon, and Rollo asked Jonas what he meant when he said that possession was nine points of the law.

"Why, it means," said Jonas, "that it is very strong evidence. If a person has possession of any thing, and especially if he has had possession of it a long time, it is most probable that it is his; and nobody ought to come and take it away from him, unless they have positive proof that it is not his. Don't you think that this is reasonable?"

"Why, yes," said Rollo; "I suppose it is."

"There are a great many things, or at least some things, in which possession is all the proof there is that they are a man's property."

"What things?" said Rollo.

"Money, for example," replied Jonas.

“How?” said Rollo.

“Why, if I had some money in my pocket, and should take out a cent, and any body should ask me if that was mine, I should say, Yes. Then, if they should ask me how I knew it was mine, I could only say that it was in my pocket, and so I presumed it was mine.”

“Perhaps you would remember where you got it,” said Rollo.

“Yes,” said Jonas, “I might, perhaps, remember; but probably I should not. Very few people remember exactly how they come by the pieces of money they have in their pockets. Their possession of them is all the evidence of property they have.”

“O Jonas,” said Rollo, suddenly interrupting the conversation, and pointing down into a narrow glen by the side of the road. “What are they doing to those sheep?”

“Washing them, I suppose,” said Jonas.

He drove his horse up to the side of the road a little, so that Rollo could see better. There was a deep descent from the road, down to the bottom of a ravine, but there was a strong railing at the top, so that there was no danger of falling over. At the bottom of

the ravine, there was a large stream running along a rocky bed, and here some men and boys were washing the sheep.

There were three men in the water, and each one had a sheep, which he was washing. One of them began to lead his sheep out, just as Rollo and Jonas began to look at them. He led him along to the shore, and let him go. Then he took hold of another one from a little pen which had been made near the water. The pen had a considerable number of sheep in it, which were all crowded together into one corner. The man took hold of one of the sheep, and tried to pull him down towards the water; but he was afraid to go, and so he held back with all his strength.

“Go along, silly sheep; they are only going to wash you,” said Rollo.

But the sheep paid no attention to what Rollo said; in fact it is not probable that he could hear him, for it was pretty far from where he sat in the wagon down to the place where they were washing.

Presently the man, finding that the sheep would not come, grasped him by his fleece with both hands, and lifted him up from the ground, and carried him along over the water,

till he got to where it was deep, and then plunged him in.

“What a strong man!” said Rollo.

“Not very strong,” said Jonas.

“Why, yes, he must be pretty strong to lift such a great thing as a sheep.”

“Why, you see,” said Jonas, “a large part of his bulk is the fleece, which is light. After the sheep is sheared, he will look a great deal slenderer and smaller. The fleece looks large, but does not weigh a great deal.”

“How much does it weigh?” said Rollo.

“O, I don’t know, exactly; perhaps not more than two or three pounds.”

“I wish I had a lamb,” said Rollo.

“I wish I had a flock of sheep,” said Jonas.

“O Jonas,” said Rollo, “so do I. I wonder if father won’t let me have some sheep.”

“Perhaps he would let you have one or two,” replied Jonas, as he began to drive on.

“I wish he would,” said Rollo, “if it was only one single lamb.

“It would not be much trouble,” he continued, after a pause, “would it, Jonas? — only one single little lamb.”

"I don't know," said Jonas; "what should we give him to eat?"

"O, he could eat grass," replied Rollo. "There is plenty of grass."

"And how should you keep him in the winter?" said Jonas.

"Why, I don't know," said Rollo; "would he eat hay?"

"Yes," said Jonas; "but you could not remember to go and feed him every morning."

"O yes, I could," said Rollo; "and then I could cut off his wool, and sell it, and so get some money. I mean to ask my father to let me have one as soon as I get home."

"It will do no harm to ask him," said Jonas.

"How much do you think I should have to give for one?" said Rollo.

"I don't know," replied Jonas; "not a great deal."

"I really believe my father will let me buy one," added Rollo. "Should not you like a lamb?"

"No," said Jonas, "I should not care much about a single lamb; but when I am a

man, I mean to have a flock of sheep. I mean to be a farmer."

"I should think you'd be a lawyer, Jonas," replied Rollo. "I think you'd make an excellent lawyer."

"No," replied Jonas, "I mean to be a farmer."

"A farmer?" said Rollo; "then you will have a great deal of hard work to do."

"No," said Jonas; "good farmers work steadily, but not very hard."

"I thought they had to work very hard," said Rollo. "At any rate, you will have to work all day."

"I like working all day," said Jonas.

"And you won't have any thing very good to eat," said Rollo.

"O yes," said Jonas; "I shall have plenty of turkeys and chickens in my yard."

"And you'll have to wear poor clothes."

"No," said Jonas; "the farmers wear the best of clothes."

"O Jonas!" said Rollo.

"Certainly," said Jonas. "There are his boots, for instance; he can work in them all day in a swamp, digging drains, and burning

brush, and they'll keep his feet dry; but a lawyer's will hardly stand crossing the street in a shower."

"Well," said Rollo, "you may be what you please; *I* mean to be a lawyer."

"Very likely," said Jonas.

"Or a doctor," added Rollo.

"Very likely," said Jonas.

Here Rollo paused a moment, appearing to be lost in thought, and presently added,

"But, Jonas, if you are a farmer, you cannot have many books to read."

"I know it," said Jonas; "that's a great difficulty. Farmers don't have many books, nor much time to read them."

"I don't think you'll like that very well."

"No," said Jonas; "that's bad. But then, perhaps, it is because farmers generally do not like to read, that they do not have more books."

"There is one reason why I should like to be a farmer," said Rollo.

"What is that?" asked Jonas.

"Why, I could have a pair of steers."

"Yes," said Jonas, "it would be fine to have a pair of steers, and a poultry-yard."

“Yes,” said Rollo.

“You cannot have a pair of steers now, I suppose,” said Jonas; “but you might have a poultry-yard, perhaps.”

“How?” said Rollo.

“Why, you have got some money of your own, haven’t you?”

“Yes,” said Rollo, “though father keeps it for me.”

“And you can spend it for whatever you please?”

“Yes,” said Rollo; “that is, if father approves of it.”

“Well,” said Jonas, “I think it likely he would let you spend it in a poultry-yard.”

“How should we do it?” said Rollo.

“Why, we must look about, and find some good place for a poultry-yard, and then you must get a carpenter to tell you how much it would cost to make a high fence all around it; and also how much to buy a stock of hens, and something for them to eat. Then, if your money would be enough, you might ask your father to let you spend it in that way; and thus you would have a poultry-yard, and you could sell the eggs and spare chick-

ens to your father, and so, perhaps, get back your money again, and more too."

"Well," said Rollo, his eye brightening up at this plan, "I should like that very much indeed."

"And after you had got a stock of hens," said Jonas, "you might get ducks and turkeys very easily."

"How?" said Rollo.

"Why, only get some ducks' and turkeys' eggs, and let your hens hatch them."

"So I can," said Rollo. "It will be capital play. I shall get ever so much money with my eggs."

"That will depend upon the management," said Jonas. "If you manage well, you will."

"Well, at any rate, I shall get some money."

"No," said Jonas, "it is not certain that you can get any, unless you manage well; for you will have to pay for the cost of keeping your hens all the time, and this will be a considerable part of the value of the eggs, and fat chickens; so that, if you waste the grain which you buy for them, or if you don't take good care of them, you will not get enough

to pay the expenses. That is the way with all kinds of business."

"Then I *will* take good care of them; and I mean to go now and ask my father to let me have a poultry-yard."

THE END.



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